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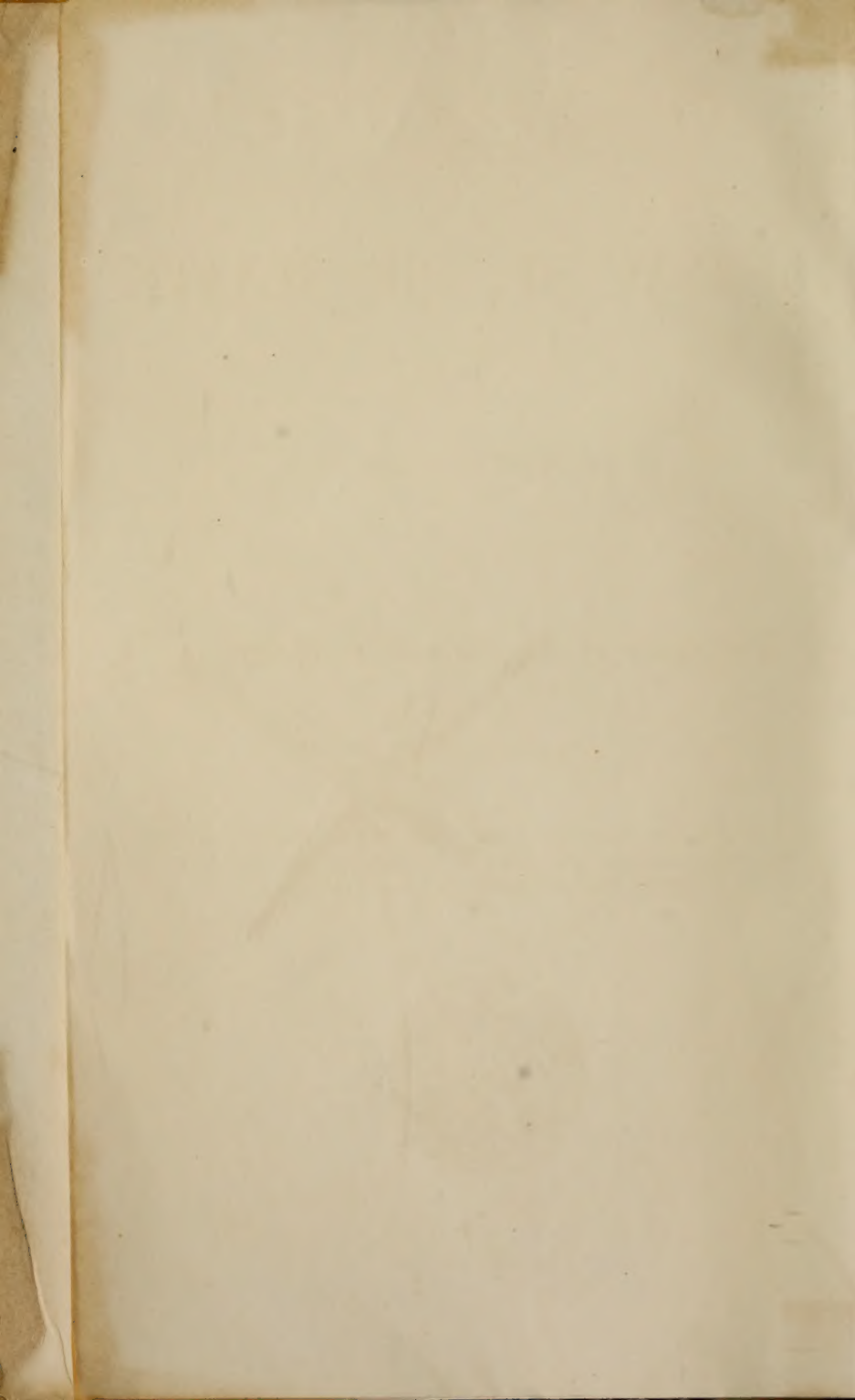
# JOURNAL OF THE SENATE

OF THE STATE OF CALIFORNIA

For the Session of 1880-81

San Francisco







THE

# JOURNAL OF THE SENATE

DURING THE

TWENTIETH SESSION

OF THE

*Legislature of the State of California,*

1873-74.

BEGAN ON MONDAY, THE FIRST DAY OF DECEMBER, EIGHTEEN HUNDRED  
AND SEVENTY-THREE, AND ENDED ON MONDAY, THE THIRTIETH DAY  
OF MARCH, EIGHTEEN HUNDRED AND SEVENTY-FOUR.



SACRAMENTO:

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JOURNAL OF THE SENATE

THE TWENTY-SECOND

SESSION OF THE SENATE OF CALIFORNIA

1871-72

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OF THE

PROCEEDINGS OF THE SENATE.

THE UNIVERSITY OF CHICAGO



# CALIFORNIA LEGISLATURE—SENATE.

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## TWENTIETH SESSION.

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SENATE CHAMBER,  
Monday, December 1st, 1873. }

The Senate met at twelve o'clock M., pursuant to the requirements of the Constitution of the State of California.

By invitation of the President, Reverend J. H. C. Bonte offered a prayer.

Lieutenant Governor R. Pacheco, the President, addressed the Senate as follows:

SENATORS: I recognize among your familiar assembled body the familiar countenances of nearly a score of those who served here two years since. To you and to our new Senators I extend a most cordial and hearty greeting. I am sure I can read upon the faces of all around us the determination to do their duty in every particular. But whilst expressing our congratulations, a sad thought obtrudes itself. Death has swept from our midst three out of the forty Senators who were assembled here during the last session. We deplore their loss, and sympathise with their families and friends in their grief.

We are here, as it were, a distinct department of the Government. Representing as you do the people of your State, they expect from you careful attention to its best interests, and wise and just laws for its protection and government. As the accurate and just administration of parliamentary law is of most vital importance to the dignity and welfare of this body, a close adherence to the established forms of parliamentary procedure will, I am convinced, best promote that end.

As all here should feel equally interested in the maintenance of order and justice, I request your hearty aid in the close observation of these rules. That I am here with the resolve to perform my obligations toward you to the best of my ability, I beg you to believe. It is my earnest wish to be just and impartial in the enforcement of the rules that will be adopted by you, and if I err at any time I shall depend

upon your courtesy and forbearance to excuse what I am sure will be mistakes of the head—not of the heart.

Senators, the Chair will await your pleasure, and we will now proceed to business. The Secretary will call the roll of hold-over Senators.

The roll of Senators holding over was called, and the following Senators responded:

M. C. Andross, Thomas Beck, John Boggs, L. D. Crane, J. J. De Haven, J. A. Duffy, B. Dyer, George S. Evans, S. J. Finney, W. T. Garratt, D. Goodale, Charles Kent, T. L. Keys, James McCoy, H. J. McKusick, J. McMurry, Jacob H. Neff, George Oulton, W. W. Pendegast.

The newly elected Senators presented their credentials and took the oath of office, administered by the Hon. A. L. Rhodes, Justice of the Supreme Court.

The following are the names of Senators elect, who responded to the call of the roll:

Washington Bartlett, C. W. Bush, W. A. Eakin, Henry Edgerton, James T. Farley, Thomas Fraser, Edward Gibbons, W. J. Graves, W. C. Hendricks, R. Hopkins, William Irwin, H. T. Laine, Tipton Lindsey, N. Martin, H. E. McCune, M. P. O'Connor, George C. Perkins, Philip A. Roach, S. Spencer, H. K. Turner, and B. F. Tuttle.

On motion of Mr. Pendegast, the rules of the last session of the Senate were adopted for the temporary use of this Senate.

At twelve o'clock and twenty-five minutes p. m., on motion of Mr. Pendegast, the Senate adjourned until to-morrow at twelve o'clock m.

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## IN SENATE.

SENATE CHAMBER,  
TUESDAY, December 2d, 1873. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

### ELECTION OF OFFICERS.

On motion of Mr. Oulton, the Senate proceeded to the election of officers of the Senate for the present session.

### PRESIDENT PRO TEM.

Mr. Keys nominated the Hon. William Irwin.

Mr. Dyer nominated the Hon. George S. Evans.

The roll was called, with the following result:

Names.	Irwin.	Evans.	Tuttle.
Andross .....		1	
Bartlett .....	1		
Beck .....			
Boggs.....	1		1
Bush .....	1		
Crane .....		1	
De Haven.....		1	
Duffy .....		1	
Dyer .....		1	
Eakin .....	1		
Edgerton .....	1		
Evans. ....	1		
Farley .....	1		
Finney.....		1	
Fraser.....		1	
Garratt .....		1	
Gibbons .....	1		
Goodale.....		1	
Graves .....			1
Hendricks .....	1		
Hopkins .....		1	
Irwin.....		1	
Kent.....		1	
Keys. ....	1		
Laine .....	1		
Lindsey .....	1		
Martin .....	1		
McCoy .....	1		
McCune .....	1		
McKusick .....		1	
McMurry.....	1		
Neff .....		1	
O'Connor .....	1		
Oulton.....		1	
Pendegast.....	1		
Perkins .....		1	
Roach.....	1		
Spencer.....		1	
Turner .....		1	
Tuttle .....	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	20
Mr. Evans received.....	18
Mr. Tuttle received.....	2

No choice.

The roll was called for a second ballot, with the following result:

Names.	Irwin.	Evans.	Tuttle.
Andross .....		1	
Bartlett .....	1		
Beck .....			1
Boggs .....	1		
Bush .....	1		
Crane .....		1	
De Haven .....		1	
Duffy .....		1	
Dyer .....		1	
Eakin .....	1		
Edgerton .....	1		
Evans .....	1		
Farley .....	1		
Finney .....		1	
Fraser .....		1	
Garratt .....		1	
Gibbons .....	1		
Goodale .....		1	
Graves .....		1	
Hendricks .....	1		
Hopkins .....		1	
Irwin .....		1	
Kent .....		1	
Keys .....	1		
Laine .....	1		
Lindsey .....	1		
Martin .....	1		
McCoy .....	1		
McCune .....	1		
McKusick .....		1	
McMurry .....	1		
Neff .....		1	
O'Connor .....	1		
Oulton .....		1	
Pendegast .....	1		
Perkins .....		1	
Roach .....	1		
Spencer .....		1	
Turner .....		1	
Tuttle .....	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	20
Mr. Evans received.....	19
Mr. Tuttle received.....	1

No choice.



The roll was called for a third ballot, with the following result:

Names.	Irwin.	Evans.	Tuttle.
Andross.....			
Bartlett.....	1	1	
Beck .....			1
Boggs.....	1		
Bush.....	1		
Crane .....		1	
De Haven.....		1	
Duffy .....		1	
Dyer.....		1	
Eakin .....	1		
Edgerton .....	1		
Evans.....	1		
Farley .....	1		
Finney .....		1	
Fraser .....		1	
Garratt.....		1	
Gibbons .....	1		
Goodale .....		1	
Graves.....		1	
Hendricks .....	1		
Hopkins.....		1	
Irwin .....		1	
Kent .....		1	
Keys .....	1		
Laine.....	1		
Lindsey.....	1		
Martin.....	1		
McCoy.....	1		
McCune .....	1		
McKusick .....		1	
McMurry.....	1		
Neff.....		1	
O'Connor.....	1		
Oulton.....		1	
Pendegast .....	1		
Perkins .....		1	
Roach.....	1		
Spencer.....		1	
Turner.....		1	
Tuttle.....	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	20
Mr. Evans received.....	19
Mr. Tuttle received.....	1

No choice.

The roll was called for a fourth ballot, with the following result:

Names.	Irwin.	Evans.	Tuttle.
Andross.....		1	
Bartlett.....	1		
Beck.....			1
Boggs.....	1		
Bush.....	1		
Crane.....		1	
De Haven.....		1	
Duffy.....		1	
Dyer.....		1	
Eakin.....	1		
Edgerton.....	1		
Evans.....	1		
Farley.....	1	1	
Finney.....		1	
Fraser.....		1	
Garratt.....			
Gibbons.....	1	1	
Goodale.....		1	
Graves.....			
Hendricks.....	1	1	
Hopkins.....		1	
Irwin.....		1	
Kent.....			
Keys.....	1		
Laine.....	1		
Lindsey.....	1		
Martin.....	1		
McCoy.....	1		
McCune.....	1	1	
McKusick.....			
McMurry.....	1	1	
Neff.....			
O'Connor.....	1	1	
Oulton.....			
Pendegast.....	1	1	
Perkins.....			
Roach.....	1	1	
Spencer.....		1	
Turner.....		1	
Tuttle.....	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	20
Mr. Evans received.....	19
Mr. Tuttle received..	1

No choice.

The roll was called for a fifth ballot, with the following result:

Names.	Irwin.	Evans.	Tuttle.
Andross .....		1	
Bartlett .....	1		
Beck .....			1
Boggs .....	1		
Bush .....	1		
Crane .....		1	
De Haven .....		1	
Duffy .....		1	
Dyer .....		1	
Eakin .....	1		
Edgerton .....	1		
Evans .....	1		
Farley .....	1		
Finney .....		1	
Fraser .....		1	
Garratt .....		1	
Gibbons .....	1		
Goodale .....		1	
Graves .....		1	
Hendricks .....	1		
Hopkins .....		1	
Irwin .....		1	
Kent .....		1	
Keys .....	1		
Laine .....	1		
Lindsey .....	1		
Martin .....	1		
McCoy .....	1		
McCune .....	1		
McKusick .....		1	
McMurry .....	1		
Neff .....		1	
O'Connor .....	1		
Oulton .....		1	
Pendegast .....	1		
Perkins .....		1	
Roach .....	1		
Spencer .....		1	
Turner .....		1	
Tuttle .....	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received .....	20
Mr. Evans received.....	19
Mr. Tuttle received .....	1

No choice.

The roll was called for a sixth ballot, with the following result:

Names.	Irwin.	Evans.	Tuttle.
Andross.....		1	
Bartlett .....	1		
Beck.....			1
Boggs.....	1		
Bush.....	1		
Crane .....		1	
De Haven.....		1	
Duffy.....		1	
Dyer .....		1	
Eakin.....	1		
Edgerton.....	1		
Evans.....	1		
Farley.....	1		
Finney .....		1	
Fraser.....		1	
Garratt .....		1	
Gibbons .....	1		
Goodale .....		1	
Graves .....		1	
Hendricks.....	1		
Hopkins .....		1	
Irwin .....		1	
Kent.....		1	
Keys .....	1		
Laine.....	1		
Lindsey .....	1		
Martin .....	1		
McCoy .....	1		
McCune.....	1		
McKusick.....		1	
McMurry .....	1		
Neff.....		1	
O'Connor .....	1		
Oulton.....		1	
Pendegast .....	1		
Perkins.....		1	
Roach .....	1		
Spencer .....		1	
Turner .....		1	
Tuttle.....	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received .....	20
Mr. Evans received.....	19
Mr. Tuttle received .....	1

No choice.

The roll was called for a seventh ballot, with the following result:

Names.	Irwin.	Evans.	Tuttle.
Andross.....		1	
Bartlett.....	1		
Beck.....			1
Boggs.....	1		
Bush.....	1		
Crane.....		1	
De Haven.....		1	
Duffy.....		1	
Dyer.....		1	
Eakin.....	1		
Edgerton.....	1		
Evans.....	1		
Farley.....	1		
Finney.....		1	
Fraser.....		1	
Garratt.....		1	
Gibbons.....	1		
Goodale.....		1	
Graves.....		1	
Hendricks.....	1		
Hopkins.....		1	
Irwin.....		1	
Kent.....		1	
Keys.....	1		
Laine.....	1		
Lindsey.....	1		
Martin.....	1		
McCoy.....	1		
McCune.....	1		
McKusick.....		1	
McMurry.....	1		
Neff.....		1	
O'Connor.....	1		
Oulton.....		1	
Pendegast.....	1		
Perkins.....		1	
Roach.....	1		
Spencer.....		1	
Turner.....		1	
Tuttle.....	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	20
Mr. Evans received.....	19
Mr. Tuttle received.....	1

No choice.



The roll was called for the eighth ballot, with the following result:

Names.	Irwin.	Evans.	Laine.
Andross .....		1	
Bartlett.....	1		
Beck .....		1	
Boggs.....	1		
Bush.....	1		
Crane.....		1	
De Haven.....		1	
Duffy .....		1	
Dyer .....		1	
Eakin .....	1		
Edgerton.....			1
Evans .....	1		
Farley .....	1		
Finney .....		1	
Fraser .....		1	
Garratt.....		1	
Gibbons.....	1		
Goodale.....		1	
Graves .....		1	
Hendricks.....	1		
Hopkins.....		1	
Irwin.....		1	
Kent .....		1	
Keys.....	1		
Laine.....	1		
Lindsey.....	1		
Martin.....	1		
McCoy .....	1		
McCune.....	1		
McKusick .....		1	
McMurry.....	1		
Neff.....		1	
O'Connor.....	1		
Oulton.....		1	
Pendegast .....	1		
Perkins .....		1	
Roach.....	1		
Spencer.....		1	
Turner .....		1	
Tuttle.....	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	19
Mr. Evans received.....	20
Mr. Laine received.....	1

No choice.

The roll was called for the ninth ballot, with the following result:

Names.	Irwin.	Evans.	Tuttle.	Laine.
Andross.....		1		
Bartlett.....	1			
Beck.....			1	
Boggs.....	1			
Bush.....				1
Crane.....		1		
De Haven.....		1		
Duffy.....		1		
Dyer.....		1		
Eakin.....	1			
Edgerton.....	1			
Evans.....	1			
Farley.....	1			
Finney.....		1		
Fraser.....		1		
Garratt.....		1		
Gibbons.....	1			
Goodale.....		1		
Graves.....		1		
Hendricks.....	1			
Hopkins.....		1		
Irwin.....		1		
Kent.....		1		
Keys.....	1			
Laine.....	1			
Lindsey.....	1			
Martin.....	1			
McCoy.....	1			
McCune.....	1			
McKusick.....		1		
McMurry.....	1			
Neff.....		1		
O'Connor.....	1			
Oulton.....		1		
Pendegast.....	1			
Perkins.....		1		
Roach.....	1			
Spencer.....		1		
Turner.....		1		
Tuttle.....	1			

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	19
Mr. Evans received.....	19
Mr. Laine received.....	1
Mr. Tuttle received.....	1

No choice.

The roll was called for the tenth ballot, with the following result:

Names.	Irwin.	Evans.	Perkins.
Andross .....		1	
Bartlett.....	1		
Beck.....			1
Boggs .....	1		
Bush.....	1		
Crane.....		1	
De Haven.....		1	
Duffy.....		1	
Dyer.....		1	
Eakin .....	1		
Edgerton .....	1		
Evans.....	1		
Farley.....	1		
Finney.....		1	
Fraser.....		1	
Garratt .....		1	
Gibbons .....	1		
Goodale.....		1	
Graves .....		1	
Hendricks.....	1		
Hopkins.....		1	
Irwin.....		1	
Kent.....		1	
Keys.....	1		
Laine.....	1		
Lindsey .....	1		
Martin.....	1		
McCoy .....	1		
McCune .....	1		
McKusick.....		1	
McMurry.....	1		
Neff .....		1	
O'Connor.....	1		
Oulton.....		1	
Pendegast.....	1		
Perkins.....		1	
Roach.....	1		
Spencer.....		1	
Turner.....		1	
Tuttle.....	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	20
Mr. Evans received.....	19
Mr. Perkins received.....	1

No choice.

The roll was called for the eleventh ballot, with the following result:

Names.	Irwin.	Evans.	Laine.
Andross .....		1	
Bartlett.....	1		
Beck .....		1	
Boggs.....	1		
Bush.....	1		
Crane .....		1	
De Haven.....		1	
Duffy .....		1	
Dyer.....		1	
Eakin .....	1		
Edgerton.....			1
Evans .....	1		
Farley .....	1		
Finney .....		1	
Fraser.....		1	
Garratt.....		1	
Gibbons .....	1		
Goodale .....		1	
Graves .....		1	
Hendricks.....	1		
Hopkins.....		1	
Irwin.....		1	
Kent.....		1	
Keys .....	1		
Laine .....	1		
Lindsey.....	1		
Martin.....	1		
McCoy.....	1		
McCune.....	1		
McKusick.....		1	
McMurry .....	1		
Neff .....		1	
O'Connor.....	1		
Oulton.....		1	
Pendegast.....	1		
Perkins .....		1	
Roach.....	1		
Spencer.....		1	
Turner .....		1	
Tuttle.....	1		

Whole number of votes cast.....40  
Necessary to a choice.....21  
Mr. Irwin received.....19

Mr. Evans received.....20  
 Mr. Laine received..... 1

No choice.

The roll was called for the twelfth ballot, with the following result:

Names.	Irwin.	Evans.	Laine.
Andross .....			
Bartlett .....	1	1	
Beck .....			
Boggs.....	1	1	
Bush .....	1		
Crane .....			
De Haven.....		1	
Duffy .....		1	
Dyer.....		1	
Eakin .....	1	1	
Edgerton .....			1
Evans .....	1		
Farley .....	1		
Finney .....		1	
Fraser .....		1	
Garratt .....		1	
Gibbons.....	1		
Goodale .....		1	
Graves .....		1	
Hendricks .....	1		
Hopkins.....		1	
Irwin .....		1	
Kent.....		1	
Keys .....	1		
Laine .....	1		
Lindsey .....	1		
Martin .....	1		
McCoy .....	1		
McKusick.....		1	
McMurry .....	1		
Neff.....		1	
O'Connor.....	1		
Oulton .....		1	
Pendegast .....	1		
Perkins .....		1	
Roach.....	1		
Spencer.....		1	
Turner .....		1	
Tuttle.....	1		



Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	19
Mr. Evans received.....	20
Mr. Lane received.....	1

No choice.

At one o'clock P. M., on motion of Mr. Pendegast, the Senate adjourned.

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## IN SENATE.

SENATE CHAMBER,  
Wednesday, December 3d, 1873. }

The Senate met pursuant to adjournment.  
The President in the chair.  
Roll called and quorum present.  
Prayer by the Rev. J. H. C. Bonte.  
Journal of yesterday read and approved.

### CONTESTED ELECTION.

The President presented some papers in the matter of A. A. Brown vs. Thos. Fraser.

### RESOLUTION.

By Mr. Duffy:

WHEREAS, It is proposed to make certain amendments to the Codes as now in force, and in order to enable the members of this body to vote intelligently on the said proposed amendments, be it, therefore,

*Resolved*, That the Sergeant-at-Arms be directed to procure from the Secretary of State one set of the Codes for each member of the Senate.

Adopted.

### UNFINISHED BUSINESS.

The roll was called for the thirteenth ballot on the election of President pro tem., with the following result:

Names.	Irwin.	Evans.	Laine.
Andross .....		1	
Bartlett .....	1		
Beck .....		1	
Boggs .....	1		
Bush .....	1		
Crane .....		1	
De Haven .....		1	
Duffy .....		1	
Dyer .....		1	
Eakin .....	1		
Edgerton .....			1
Evans .....	1		
Farley .....	1		
Finney .....		1	
Fraser .....		1	
Garratt .....		1	
Gibbons .....	1		
Goodale .....		1	
Graves .....		1	
Hendricks .....	1		
Hopkins .....		1	
Irwin .....		1	
Kent .....		1	
Keys .....	1		
Laine .....	1		
Lindsey .....	1		
Martin .....	1		
McCoy .....	1		
McCune .....	1		
McKusick .....		1	
McMurry .....	1		
Neff .....		1	
O'Connor .....	1		
Oulton .....		1	
Pendegast .....	1		
Perkins .....		1	
Roach .....	1		
Spencer .....		1	
Turner .....		1	
Tuttle .....	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	19
Mr. Evans received.....	20
Mr. Laine received.....	1

No choice.

The roll was called for the fourteenth ballot, with the following result:

Names.	Irwin.	Evans.	Perkins.	Laine.
Andross.....		1		
Bartlett.....	1			
Beek.....		1		
Boggs.....	1			
Bush.....	1			
Crane.....		1		
De Haven.....		1		
Duffy.....		1		
Dyer.....		1		
Eakin.....	1			
Edgerton.....			1	
Evans.....	1			
Farley.....	1			
Finney.....		1		
Fraser.....		1		
Garratt.....		1		
Gibbons.....	1			
Goodale.....		1		
Graves.....		1		
Hendricks.....	1			
Hopkins.....		1		
Irwin.....		1		
Kent.....		1		
Keys.....	1			
Laine.....	1			
Lindsey.....	1			
Martin.....	1			
McCoy.....	1			
McCune.....	1			
McKusick.....		1		
McMurry.....	1			
Neff.....		1		
O'Connor.....	1			
Oulton.....		1		
Pendegast.....	1			
Perkins.....		1		
Roach.....	1			
Spencer.....		1		
Turner.....		1		
Tuttle.....				1

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	18
Mr. Evans received.....	20
Mr. Lane received.....	1
Mr. Perkins received.....	1

No choice.

The roll was called for the fifteenth ballot, with the following result:

Names.	Irwin.	Evans.	Perkins.
Andross.....		1	
Bartlett.....			
Beck.....	1	1	
Boggs.....			
Bush.....	1		
Crane.....	1	1	
De Haven.....		1	
Duffy.....		1	
Dyer.....		1	
Eakin.....	1		
Edgerton.....			1
Evans.....	1		
Farley.....	1		
Finney.....		1	
Fraser.....		1	
Garratt.....		1	
Gibbons.....	1		
Goodale.....		1	
Graves.....		1	
Hendricks.....	1		
Hopkins.....		1	
Irwin.....		1	
Kent.....		1	
Keys.....	1		
Laine.....	1		
Lindsey.....	1		
Martin.....	1		
McCoy.....	1		
McCune.....	1		
McKusick.....		1	
McMurry.....	1		
Neff.....		1	
O'Connor.....	1		
Oulton.....		1	
Pendegast.....	1		
Perkins.....		1	
Roach.....	1		
Spencer.....		1	
Turner.....		1	
Tuttle.....	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	19
Mr. Evans received.....	20
Mr. Perkins.....	1

No choice.

The roll was called for the sixteenth ballot, with the following result:

Names.	Irwin.	Evans.	Perkins.
Andross .....		1	
Bartlett.....	1		
Beck .....		1	
Boggs.....	1		
Bush .....	1		
Crane .....		1	
De Haven.....		1	
Duffy .....		1	
Dyer .....		1	
Eakin.....	1		
Edgerton .....			1
Evans .....	1		
Farley .....	1		
Finney .....		1	
Fraser.....		1	
Garratt .....		1	
Gibbons .....	1		
Goodale.....		1	
Graves .....		1	
Hendricks .....	1		
Hopkins .....		1	
Irwin.....		1	
Kent .....		1	
Keys.....	1		
Laine .....	1		
Lindsey.....	1		
Martin .....	1		
McCoy.....	1		
McCune.....	1		
McKusick .....		1	
McMurry .....	1		
Neff.....		1	
O'Connor.....	1		
Oulton.....		1	
Pendegast .....	1		
Perkins .....		1	
Roach .....	1		
Spencer.....		1	
Turner.....		1	
Tuttle .....	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	19
Mr. Evans received.....	20
Mr. Perkins.....	1

No choice.



The roll was called for the seventeenth ballot, with the following result:

Names.	Irwin.	Evans.	Perkins.
Andross .....	1		
Bartlett.....		1	
Beek .....	1		
Boggs.....		1	
Bush.....	1		
Crane .....	1		
DeHaven.....		1	
Duffy.....		1	
Dyer.....		1	
Eakin .....		1	
Edgerton.....			1
Evans.....	1		
Farley.....	1		
Finney .....		1	
Fraser.....		1	
Garratt.....		1	
Gibbons.....	1		
Goodale.....		1	
Graves.....		1	
Hendricks.....	1		
Hopkins.....		1	
Irwin .....		1	
Kent.....		1	
Keys.....	1		
Laine.....	1		
Lindsey .....	1		
Martin .....	1		
McCoy.....	1		
McCune.....	1		
McKusick .....		1	
McMurry .....	1		
Neff.....		1	
O'Connor.....	1		
Oulton.....		1	
Pendegast.....	1		
Perkins.....		1	
Roach .....	1		
Spencer.....		1	
Turner.....		1	
Tuttle .....	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	19
Mr. Evans received.....	20
Mr. Perkins received.....	1

No choice.

The roll was called for the eighteenth ballot, with the following result:

Names.	Irwin.	Evans.	Perkins.
Andross.....	1		
Bartlett.....		1	
Beck.....	1		
Boggs.....		1	
Bush.....	1		
Crane.....	1		
DeHaven.....		1	
Duffy.....		1	
Dyer.....		1	
Eakin.....		1	
Edgerton.....			1
Evans.....	1		
Farley.....	1		
Finney.....		1	
Fraser.....		1	
Garratt.....		1	
Gibbons.....	1		
Goodale.....		1	
Graves.....		1	
Hendricks.....	1		
Hopkins.....		1	
Irwin.....		1	
Kent.....		1	
Keys.....	1		
Laine.....	1		
Lindsey.....	1		
Martin.....	1		
McCoy.....	1		
McCune.....	1		
McKusick.....		1	
McMurry.....	1		
Neff.....		1	
O'Connor.....	1		
Oulton.....		1	
Pendegast.....	1		
Perkins.....		1	
Roach.....	1		
Spencer.....		1	
Turner.....		1	
Tuttle.....	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received.....	19
Mr. Evans received.....	20
Mr. Perkins received.....	1

No choice.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Pendegast, the Senate took a recess until two o'clock P. M.

Senate reassembled at two o'clock P. M.

President in the chair.

Roll called and quorum present.

On motion of Mr. O'Connor, a call of the Senate was ordered.

The roll was called, and the following Senators responded to their names:

Messrs. Andross, Beck, Bartlett, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle.

The roll was called for the nineteenth ballot for President pro tem., with the following result:

Names.	Irwin.	Evans.
Andross .....		
Bartlett .....	1	1
Beck .....	1	
Boggs .....	1	
Bush .....	1	
Crane .....		
De Haven .....		1
Duffy .....		1
Dyer .....		1
Eakin .....	1	1
Edgerton .....	1	
Evans .....	1	
Farley .....	1	
Finney .....		1
Fraser .....		1
Garratt .....		1
Gibbons .....	1	
Goodale .....		1
Graves .....	1	
Hendricks .....	1	
Hopkins .....		1
Irwin .....		1
Kent .....		1
Keys .....	1	
Laine .....	1	
Lindsey .....	1	
Martin .....	1	
McCoy .....	1	
McCune .....	1	
McKusick .....		1
McMurry .....	1	
Neff .....		1

Names.	Irwin.	Evans.
O'Connor.....	1	.....
Oulton .....	.....	1
Pendegast.....	1	.....
Perkins .....	.....	1
Roach .....	1	.....
Spencer.....	.....	1
Turner .....	.....	1
Tuttle.....	1	.....

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Irwin received .....	22
Mr. Evans received.....	18

Mr. Irwin, having received a majority of all the votes cast, was declared elected President pro tem. of the Senate.

On motion of Mr. Evans, the election of Mr. Irwin was declared unanimous.

#### SECRETARY OF THE SENATE.

Mr. Boggs nominated T. J. Shackelford.

Mr. Finney nominated Frank Gross.

The roll was called, with the following result:

Names.	Shackelford.	Gross.
Andross.....	.....	1
Bartlett .....	1	.....
Beck.....	1	.....
Boggs.....	1	.....
Bush.....	1	.....
Crane.....	.....	1
De Haven .....	.....	1
Duffy .....	.....	1
Dyer.....	.....	1
Eakin.....	1	.....
*Edgerton .....	1	.....
Evans .....	.....	1
Farley.....	1	.....
Finney .....	.....	1
Fraser.....	.....	1
Garratt.....	.....	1
Gibbons .....	1	.....
Goodale .....	.....	1
Graves.....	1	.....
Hendricks .....	1	.....

Names.	Shackleford.	Gross.
Hopkins .....		1
Irwin .....	1	
Kent .....		1
Keys .....	1	
Laine .....	1	
Lindsey .....	1	
Martin .....	1	
McCoy .....	1	
McCune .....	1	
McKusick .....		1
McMurry .....	1	
Neff .....		1
O'Connor .....	1	
Oulton .....		1
Pendegast .....	1	
Perkins .....		1
Roach .....	1	
Spencer .....		1
Turner .....		1
Tuttle .....	1	

Whole number of votes cast .....	40
Necessary to a choice .....	21
Mr. Shackleford received .....	22
Mr. Gross received .....	18

Mr. Shackleford having received a majority of all the votes cast, was declared elected Secretary of the Senate.

#### ASSISTANT SECRETARIES.

Mr. Pendegast nominated J. R. Beard.  
 Mr. Dyer nominated I. H. Reed.  
 Mr. Turner nominated S. B. Davidson.  
 Mr. Boggs nominated J. B. Chinn.

The roll was called, with the following result:

Names.	Beard.	Chinn.	Reed.	Davidson.
Andross .....			1	1
Bartlett .....	1	1		
Beck .....	1	1		
Boggs .....	1	1		
Bush .....	1		1	
Crane .....			1	1
De Haven .....			1	1



Names.	Beard.	Chinn.	Reed.	Davidson.
Duffy .....			1	1
Dyer .....			1	1
Edgerton .....		1	1	
Eakin .....	1	1		
Evans .....			1	1
Farley .....	1	1		
Finney .....			1	1
Fraser .....			1	1
Garratt .....			1	1
Gibbons .....		1	1	
Goodale .....			1	1
Graves .....	1	1		
Hendricks .....	1	1		
Hopkins .....			1	1
Irwin .....	1	1		
Kent .....			1	1
Keys .....	1	1		
Laine .....		1	1	
Lindsey .....		1	1	
Martin .....		1	1	
McCoy .....	1	1		
McCune .....		1	1	
McKusick .....			1	1
McMurry .....	1	1		
Neff .....			1	1
O'Connor .....	1	1		
Oulton .....			1	1
Pendegast .....	1	1		
Perkins .....			1	1
Roach .....	1	1		
Spencer .....			1	1
Turner .....			1	1
Tuttle .....	1	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Beard received.....	16
Mr. Reed received.....	23
Mr. Davidson received.....	18
Mr. Chinn received.....	22

Mr. Chinn and Mr. Reed, having received a majority of all the votes cast, were declared elected Assistant Secretaries of the Senate.

#### SERGEANT-AT-ARMS.

Mr. McCune nominated J. W. Hawkins.  
Mr. Crane nominated ——— Campbell.

The roll was called, with the following result:

Names.	Hawkins.	Campbell.
Andross.....		1
Bartlett.....	1	
Beck .....	1	
Boggs.....	1	
Bush .....	1	
Crane .....		1
De Haven.....		1
Duffy.....		1
Dyer.....		1
Eakin.....	1	
Edgerton .....	1	
Evans .....		1
Farley.....	1	
Finney .....		1
Fraser .....		1
Garratt.....		1
Gibbons.....	1	
Goodale.....		1
Graves.....	1	
Hendricks...	1	
Hopkins .....		1
Irwin .....	1	
Kent.....		1
Keys.....	1	
Laine.....	1	
Lindsey .....	1	
Martin.....	1	
McCoy .....	1	
McCune.....	1	
McKusick .....		1
McMurry.....	1	
Neff.....		1
O'Connor .....	1	
Oulton .....		1
Pendegast .....	1	
Perkins .....		1
Roach.....	1	
Spencer.....		1
Turner .....		1
Tuttle.....	1	

Whole number of votes cast .....	40
Necessary to a choice.....	21
Mr. Hawkins received.....	22
Mr. Campbell received.....	18

Mr. Hawkins, having received a majority of all the votes cast, was declared elected Sergeant-at-Arms of the Senate.

## ASSISTANT SERGEANT-AT-ARMS.

Mr. O'Connor nominated T. L. Hughes.

Mr. Evans nominated C. J. Burns.

The roll was called, with the following result:

Names.	Hughes.	Burns.
Andross.....		1
Bartlett.....	1	
Beck.....	1	
Boggs.....	1	
Bush.....	1	
Crane.....		1
De Haven.....		1
Duffy.....		1
Dyer.....		1
Eakin.....	1	
Edgerton.....	1	
Evans.....		1
Farley.....	1	
Finney.....		1
Fraser.....		1
Garratt.....		1
Gibbons.....		1
Goodale.....		1
Graves.....		1
Hendricks.....	1	
Hopkins.....		1
Irwin.....	1	
Kent.....		1
Keys.....	1	
Laine.....		1
Lindsey.....		1
Martin.....	1	
McCoy.....	1	
McCune.....	1	
McKusick.....		1
McMurry.....	1	
Neff.....		1
O'Connor.....	1	
Oulton.....		1
Pendegast.....	1	
Perkins.....		1
Roach.....	1	
Spencer.....		1
Turner.....		1
Tuttle.....	1	

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Hughes received.....	18
Mr. Burns received.....	22

Mr. Burns, having received a majority of all the votes cast, was declared elected Assistant Sergeant-at-Arms of the Senate.

MINUTE CLERK.

Mr. McMurry nominated Newton Benedict.

The roll was called, with the following result:

Names.	Benedict.
Andross .....	1
Bartlett .....	1
Beck .....	1
Boggs .....	1
Bush .....	1
Crane .....	1
De Haven .....	1
Duffy .....	1
Dyer .....	1
Eakin .....	1
Edgerton .....	1
Evans .....	1
Farley .....	1
Finney .....	1
Fraser .....	1
Garratt .....	1
Gibbons .....	1
Goodale .....	1
Graves .....	1
Hendricks .....	1
Hopkins .....	1
Irwin .....	1
Kent .....	1
Keys .....	1
Laine .....	1
Lindsey .....	1
Martin .....	1
McCoy .....	1
McCune .....	1
McKusick .....	1
McMurry .....	1
Neff .....	1
O'Connor .....	1
Oulton .....	1
Pendegast .....	1
Perkins .....	1
Roach .....	1
Spencer .....	1
Turner .....	1
Tuttle .....	1

Mr. Benedict, having received all the votes, was declared unanimously elected Minute Clerk.

## JOURNAL CLERK.

Mr. Goodale nominated A. F. Thompson.

Mr. Irwin nominated James Quinn.

The roll was called, with the following result:

Names.	Quinn.	Thompson
Andross .....		1
Bartlett.....	1	
Beck.....		1
Boggs.....	1	
Bush.....	1	
Crane.....		1
De Haven.....		1
Duffy .....		1
Dyer.....		1
Eakin.....	1	
Edgerton.....	1	
Evans.....		1
Farley.....	1	
Finney.....		1
Fraser.....		1
Garratt.....		1
Gibbons.....	1	
Goodale.....		1
Graves.....		1
Hendricks .....	1	
Hopkins.....		1
Irwin.....	1	
Kent.....		1
Keys.....	1	
Laine.....	1	
Lindsey.....	1	
Martin.....	1	
McCoy.....	1	
McCune.....	1	
McKusick.....		1
McMurry.....	1	
Neff.....		1
O'Connor.....	1	
Oulton.....		1
Pendegast.....	1	
Perkins .....		1
Roach.....	1	
Spencer.....		1
Turner .....		1
Tuttle.....	1	



Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Thompson received.....	20
Mr. Quinn received.....	20

There being a tie vote, the President, in the exercise of his constitutional privilege, voted for Mr. Thompson, and declared him duly elected Journal Clerk of the Senate.

#### ENROLLING CLERK.

Mr. Duffy nominated J. B. McQuillan.

Mr. McMurry nominated A. H. Estell.

The roll was called, with the following result:

Names.	Estell.	McQuillan.
Andross.....		1
Bartlett.....	1	
Beck.....	1	
Boggs.....	1	
Bush.....	1	
Crane.....		1
De Haven.....		1
Duffy.....		1
Dyer.....		1
Eakin.....	1	
Edgerton.....	1	
Evans.....		1
Farley.....	1	
Finney.....		1
Fraser.....		1
Garratt.....		1
Gibbons.....	1	
Goodale.....		1
Graves.....	1	
Hendricks.....	1	
Hopkins.....		1
Irwin.....	1	
Kent.....		1
Keys.....	1	
Laine.....	1	
Lindsey.....	1	
Martin.....	1	
McCoy.....	1	
McCune.....	1	
McKusick.....		1
McMurry.....	1	
Neff.....		1
O'Connor.....	1	
Oulton.....		1

Names.	Estell.	McQuillan.
Pendegast.....	1	.....
Perkins .....	.....	1
Roach.....	1	.....
Spencer.....	.....	1
Turner .....	.....	1
Tuttle.....	1	.....

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Estell received.....	22
Mr. McQuillan received.....	18

Mr. Estell, having received a majority of all the votes cast, was declared elected Enrolling Clerk of the Senate.

#### ENGROSSING CLERK.

Mr. Laine nominated D. Fenton.

Mr. Neff nominated J. R. Crandall.

The roll was called, with the following result:

Names.	Fenton.	Crandall.
Andross.....	.....	1
Bartlett.....	1	.....
Beck.....	1	.....
Boggs.....	1	.....
Bush.....	1	.....
Crane .....	.....	1
De Haven.....	.....	1
Duffy .....	.....	1
Dyer .....	.....	1
Eakin.....	1	.....
Edgerton.....	1	.....
Evans.....	.....	1
Farley.....	1	.....
Finney.....	.....	1
Fraser .....	.....	1
Garratt .....	.....	1
Gibbons.....	1	.....
Goodale.....	.....	1
Graves.....	1	.....
Hendricks .....	1	.....
Hopkins.....	.....	1
Irwin.....	1	.....
Kent .....	.....	1

Names.	Fenton.	Crandall.
Keys .....	1	.....
Laine.....	1	.....
Lindsey.....	1	.....
Martin.....	.....	1
McCoy.....	1	.....
McCune.....	1	.....
McKusick.....	.....	1
McMurry.....	1	.....
Nell.....	.....	1
O'Connor.....	1	.....
Oulton.....	1	.....
Pendegast.....	1	.....
Perkins.....	.....	1
Roach.....	.....	.....
Spencer.....	.....	1
Turner.....	.....	1
Tuttle.....	1	.....

Whole number of votes cast.....	39
Necessary to a choice.....	20
Mr. Fenton received.....	21
Mr. Crandall.....	18

Mr. Fenton, having received a majority of all the votes cast, was declared elected Engrossing Clerk of the Senate.

#### COPYING CLERKS.

Mr. Tuttle nominated E. Gallagher.  
 Mr. Hendricks nominated A. J. Starling.  
 Mr. McKusick nominated F. Creque.  
 Mr. Duffy nominated E. A. Roberts.

The roll was called, with the following result:

Names.	Gallagher.	Starling.	Roberts.	Creque.
Andross.....	.....	.....	1	1
Bartlett.....	.....	1	.....	1
Beek.....	1	1	.....	.....
Boggs.....	1	1	.....	.....
Bush.....	.....	1	.....	1
Crane.....	.....	.....	1	1
De Haven.....	.....	.....	1	1
Duffy.....	.....	.....	1	1
Dyer.....	.....	.....	1	1

Names.	Gallagher.	Starling.	Roberts.	Creque.
Eakin .....	1	1		
Edgerton .....		1		1
Evans .....			1	1
Farley .....	1	1		
Finney .....			1	1
Fraser .....			1	1
Garratt .....			1	1
Gibbons .....		1		1
Goodale .....			1	1
Graves .....		1		1
Hendricks .....	1	1		
Hopkins .....			1	1
Irwin .....	1	1		
Kent .....			1	1
Keys .....	1	1		
Laine .....		1		1
Lindsey .....		1		1
Martin .....		1	1	
McCoy .....	1	1		
McCune .....		1		1
McKusick .....			1	1
McMurry .....	1	1		
Neff .....			1	1
O'Connor .....	1	1		
Oulton .....			1	1
Pendegast .....	1	1		
Perkins .....			1	1
Roach .....	1	1		
Spencer .....			1	1
Turner .....			1	1
Tuttle .....	1	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Gallagher received.....	13
Mr. Starling received.....	22
Mr. Roberts received.....	19
Mr. Creque received.....	26

Mr. Starling and Mr. Creque, having received a majority of all the votes cast, were declared elected Copying Clerks of the Senate.

#### PORTERS OF THE SENATE.

Mr. Garratt nominated H. Clock.  
 Mr. Perkins nominated E. Duffy.  
 Mr. Eakin nominated J. Nunan.  
 Mr. Kent nominated S. J. Eddy.  
 Mr. Pendegast nominated C. Moreno.

The roll was called, with the following result:

Names.	Clock.	Moreno.	Nunan.	Duffy.	Eddy.
Andross.....	1			1	1
Bartlett.....	1	1			1
Beck.....	1	1		1	
Boggs.....	1	1	1		
Bush.....	1			1	1
Crane.....	1			1	1
De Haven.....	1			1	1
Duffy.....	1			1	1
Dyer.....	1			1	1
Eakin.....	1	1	1		
Edgerton.....	1	1			1
Evans.....	1			1	1
Farley.....	1	1	1		
Finney.....	1			1	1
Fraser.....	1			1	1
Garratt.....	1			1	1
Gibbons.....	1			1	1
Goodale.....	1			1	1
Graves.....	1		1	1	
Hendricks.....	1	1	1		
Hopkins.....	1			1	1
Irwin.....	1	1	1		
Kent.....	1			1	1
Keys.....	1	1	1		
Laine.....	1			1	1
Lindsey.....	1	1			1
Martin.....	1	1			1
McCoy.....	1	1	1		
McCune.....	1			1	1
McKusick.....	1			1	1
McMurry.....	1	1	1		
Neff.....	1			1	1
O'Connor.....	1	1	1		
Oulton.....	1			1	1
Pendegast.....	1	1	1		
Perkins.....	1			1	1
Roach.....	1	1	1		
Spencer.....		1		1	1
Turner.....	1			1	1
Tuttle.....	1	1	1		

Whole number of votes cast.....	40
Necessary to a choice.....	21
Mr. Clock received.....	39
Mr. Duffy received.....	25
Mr. Nunan received.....	15
Mr. Eddy received.....	26
Mr. Moreno received.....	17



Messrs. Clock, Duffy, and Eddy, having received a majority of all the votes cast, were declared elected Porters of the Senate.

#### PAGES OF THE SENATE.

Mr. De Haven nominated Geo. Ellery.  
 Mr. Garratt nominated C. E. King.  
 Mr. McCoy nominated J. Harrington.  
 Mr. Graves nominated C. S. Raymond.  
 Mr. Fraser nominated J. McBoyle.  
 Mr. McMurry nominated L. Hagan.  
 Mr. Farley nominated Eddy Yale.  
 Mr. Bush nominated J. L. Jones.  
 Mr. Beck nominated L. C. Parsons.

The roll was called, with the following result:

Whole number of votes cast.....	40
Necessary to a choice.....	21
Ellery received.....	24
King received.....	24
Harrington received.....	12
Raymond received.....	00
McBoyle received.....	22
Hagan received.....	12
Yale received ...	21
Jones received.....	00
Parsons received.....	00

Masters King, Ellery, and McBoyle, having each received a majority of all the votes cast, were declared elected Pages of the Senate.

#### POSTMASTER.

Mr. Boggs nominated G. F. Beveridge.  
 Mr. Goodale nominated Fred. Stowell.

The roll was called, with the following result:

Names.	Beveridge.	Stowell.
Andross .....	.....	1
Bartlett.....	1	.....
Beck.....	1	.....
Boggs.....	1	.....
Bush .....	1	.....
Crane.....	.....	1
De Haven.....	.....	1
Duffy .....	.....	.....
Dyer .....	.....	1
Eakin .....	1	.....
Edgerton .....	1	.....

Names.	Beveridge.	Stowell.
Evans .....		1
Farley .....	1	
Finney .....		1
Fraser .....		1
Garratt .....		1
Gibbons .....	1	
Goodale .....		1
Graves .....		1
Hendricks .....	1	
Hopkins .....		1
Irwin .....	1	
Kent .....		1
Keys .....	1	
Laine .....	1	
Lindsey .....	1	
Martin .....	1	
McCoy .....	1	
McCune .....	1	
McKusick .....		1
McMurry .....	1	
Neff .....		1
O'Connor .....	1	
Oulton .....		1
Pendegast .....	1	
Perkins .....		1
Roach .....	1	
Spencer .....		1
Turner .....		1
Tuttle .....	1	

Whole number of votes cast.....	39
Necessary to a choice.....	20
Mr. Beveridge received.....	21
Mr. Stowell received.....	18

Mr. Beveridge, having received a majority of all the votes cast, was declared elected Postmaster of the Senate.

#### POST OFFICE PAGE.

Mr. Pendegast nominated B. W. Day.  
Mr. Perkins nominated H. T. Fogg.

The roll was called, with the following result:

Names.	Day.	Fogg.
Andross.....		
Bartlett.....	1	
Beck.....		1
Boggs.....	1	
Bush.....	1	
Crane.....		1
De Haven.....		1
Duffy.....		1
Dyer.....		1
Eakin.....	1	
Edgerton.....	1	
Evans.....		1
Farley.....	1	
Finnely.....		1
Fraser.....		1
Garratt.....		1
Gibbons.....	1	
Goodale.....		1
Graves.....	1	
Hendricks.....	1	
Hopkins.....		1
Irwin.....	1	
Kent.....		1
Keys.....	1	
Laine.....	1	
Lindsey.....	1	
Martin.....		1
McCoy.....	1	
McCune.....	1	
McKusick.....		1
McMurry.....	1	
Neff.....		1
O'Connor.....	1	
Oulton.....		1
Pendegast.....	1	
Perkins.....		1
Roach.....	1	
Spencer.....		1
Turner.....		1
Tuttle.....	1	

Whole number of votes cast.....	39
Necessary to a choice.....	20
Mr. Day received.....	20
Mr. Fogg received.....	19

Mr. Day, having received a majority of all the votes cast, was declared elected Post Office Page of the Senate.

## PAPER FOLDER.

Mr. Farley nominated Eddy King.

Mr. Duffy nominated G. R. Hansbrow.

The roll was called, with the following result:

Names.	Hansbrow.	King.
Andross.....		
Bartlett.....	1	
Beck .....		1
Boggs .....		1
Bush .....	1	
Crane .....	1	
De Haven.....	1	
Duffy .....	1	
Dyer .....	1	
Eakin.....		1
Edgerton.....	1	
Evans.....	1	
Farley .....		1
Finney.....	1	
Fraser.....	1	
Garratt.....	1	
Gibbons.....	1	
Goodale.....	1	
Graves.....		1
Hendricks.....		1
Hopkins.....	1	
Irwin .....		1
Kent.....	1	
Keys.....		1
Laine.....	1	
Lindsey.....	1	
Martin .....	1	
McCoy.....		1
McCune.....	1	
McKusick .....	1	
McMurry.....		1
Neff.....	1	
O'Connor.....		1
Oulton.....	1	
Pendegast.....		1
Perkins.....	1	
Roach .....		1
Spencer .....	1	
Turner.....	1	
Tuttle .....		1

Whole number of votes cast.....	39
Necessary to a choice.....	20
Mr. King received.....	14
Mr. Hansbrow received.....	25

Master G. R. Hansbrow, having received a majority of all the votes cast, was declared elected Paper Folder of the Senate.

On motion of Mr. Evans, a committee of two, consisting of Messrs. Evans and Pendegast, were appointed to wait upon the Hon. William Irwin, President pro tem. elect, and conduct him to the President's chair, for the purpose of receiving the oath of office.

The committee waited upon the President pro tem., and conducted him to the Chair, when the oath of office was administered by R. Pacheco, President of the Senate.

The officers elect of the Senate came forward and took the oath of office, administered by the President, R. Pacheco.

#### RESOLUTION.

By Mr. Pendegast:

*Resolved*, That the thanks of the Senate be and they are hereby tendered to Robert Ferral, the retiring Secretary, for the zeal and fidelity constantly manifested by him in his office, and for his uniform courtesy in his official and personal intercourse with Senators.

Adopted.

At four o'clock and twenty-five minutes P. M., on motion of Mr. Boggs, the Senate adjourned until to-morrow, at eleven o'clock A. M.

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#### IN SENATE.

SENATE CHAMBER,  
Thursday, December 4th, 1873. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, quorum present.

Prayer by the Rev. Mr. Bonte.

Journal of yesterday read and approved.

Mr. Oulton was granted leave of absence for three days.

Alfred H. Estell, Enrolling Clerk elect, appeared, and the President of the Senate administered to him the oath of office.

#### RESOLUTIONS.

Mr. Tuttle offered a resolution, as follows:

*Resolved*, That the Rev. J. H. C. Bonte be invited to officiate as Chaplain of the Senate, at a per diem of five dollars, to be paid out of the appropriations for the contingent expenses of the Senate.



Mr. Evans and Mr. McKusick offered substitutes, which were subsequently withdrawn, by consent.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Evans, Neff, and McKusick, and it was adopted by the following vote:

AYES—Messrs. Bartlett, Beck, Boggs, Crane, De Haven, Duffy, Eakin, Edgerton, Farley, Garratt, Gibbons, Graves, Hendricks, Irwin, Kent, Keys, McCoy, McMurry, O'Connor, Pendegast, Perkins, Roach, Spencer, and Tuttle—24.

NOES—Messrs. Andross, Bush, Dyer, Evans, Fraser, Goodale, Hopkins, Laine, Lindsey, Martin, McCune, McKusick, Neff, and Turner—14.

Mr. McKusick offered the following resolution:

WHEREAS, The Secretary of State, in his biennial report for the twenty-third and twenty-fourth fiscal years, reports that the cost of stationery furnished the Senate for the nineteenth session was seven thousand four hundred and ten dollars and forty-one cents (\$7,410 41), an average of one hundred and eighty dollars and seventy-four cents (\$180 74) for each member; therefore, be it

*Resolved*, That the Secretary of State issue stationery to members and officers of the Senate only upon a requisition, which requisition shall specify the amount and character of stationery required, signed by the member or officer receiving the same; and he is hereby directed to keep a special account with each, reporting to the Senate the amount furnished each member or officer at such times as the Senate may direct. He shall also cause the same to be published in his next biennial report.

Adopted.

Mr. McKusick offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to count and keep a record of all reports and documents delivered to him by the State Printer, and compare the same with the bills presented by the State Printer, before certifying to them.

Adopted.

Mr. Pendegast offered a resolution, as follows:

*Resolved*, That the Secretary of the Senate be directed to inform the Assembly that the Senate is now organized and ready to proceed to business, with the following named officers:

President pro tem.....	Wm. Irwin.
Secretary.....	T. J. Shackelford.
Assistant Secretaries.....	J. B. Chinn, Ira H. Reed.
Sergeant-at-Arms.....	J. W. Hawkins.
Assistant Sergeant-at-Arms.....	C. J. Burns.
Minute Clerk.....	Newton Benedict.
Journal Clerk.....	A. F. Thompson.
Enrolling Clerk.....	A. H. Estell.
Engrossing Clerk.....	Daniel Fenton.
Copying Clerks.....	A. J. Starling, Fred. Creque.

Porters.....H. Clock, Ed. Duffy, S. J. Eddy.  
 Pages.....C. E. King, Jos. McBoyle, George Ellery.  
 Postmaster.....Geo. F. Beveridge.  
 Post Office Page.....Ben. W. Day.  
 Paper Folder.....Geo. W. Hansbrow.

Adopted.

Mr. Farley offered a concurrent resolution, as follows:

*Resolved by the Senate, the Assembly concurring,* That a joint committee of six, three from the Senate and three from the Assembly, be appointed to notify the Governor that the Legislature is now organized, and ready to receive any communication he may wish to make.

Adopted.

Mr. Edgerton offered a concurrent resolution, providing for a joint committee concerning the public expenditures, which was adopted, but subsequently, by unanimous consent, withdrawn.

#### NOTICES OF BILLS.

Mr. Evans, by consent, gave notice of a bill for an Act to provide for the assessment of incumbered real estate.

Mr. Evans moved that a committee of three be appointed on permanent rules.

The motion prevailed, and the President appointed as such committee, Messrs. Evans, Farley, and Laine.

Mr. Bartlett offered a concurrent resolution, providing for a joint committee to visit San Francisco and examine into the affairs of the City Hall Commission, which was amended, on motion of Mr. Evans.

On motion of Mr. Laine the resolution was laid on the table.

Mr. Beck offered a resolution, providing that James Saultry be elected Night Watchman.

Amendments were offered, when, on motion of Mr. Tuttle, the resolution and amendments were laid on the table, and the Senate proceeded to the election of a Night Watchman.

Mr. Boggs nominated James Saultry.

Mr. Roach nominated A. Maschowsky.

Mr. Evans nominated R. G. Harris.

Mr. O'Connor nominated James McCormack.

The roll was called, resulting as follows:

Names.	Saultry.	Maschowsky.	Harris.	McCormack.
Andross.....	1	.....	.....	.....
Bartlett .....	1	.....	.....	.....
Beck.....	1	.....	.....	.....
Boggs.....	1	.....	.....	.....
Bush.....	1	.....	.....	.....
Crane.....	1	.....	.....	.....
De Haven .....	.....	.....	1	.....
Duffy.....	1	.....	.....	.....

Names.	Saultry.	Maschowsky.	Harris.	McCormack.
Dyer.....	1			
Eakin.....	1			
Edgerton.....	1			
Evans.....			1	
Farley.....	1			
Finney.....	1			
Fraser.....	1			
Garratt.....	1			
Gibbons.....	1			
Goodale.....	1			
Graves.....	1			
Hendricks.....	1			
Hopkins.....	1			
Irwin.....	1			
Kent.....	1			
Keys.....			1	
Laine.....				
Lindsey.....				
Martin.....	1			
McCoy.....	1			
McCune.....	1			
McKusick.....	1			
McMurry.....	1			
Neff.....	1			
O'Connor.....				1
Oulton.....				
Pendegast.....			1	
Perkins.....	1			
Roach.....		1		
Spencer.....	1			
Turner.....	1			
Tuttle.....	1			

Mr. Boggs offered the following:

*Resolved*, That James Saultry be and he is hereby appointed Night Watchman of the Senate, at a compensation of four dollars per day, out of the Contingent Fund of the Senate.

Adopted.

Mr. McCune offered the following resolution:

*Resolved*, That the Senate now proceed to the election of a Rear Porter.

Lost.

On motion of Mr. Edgerton, the vote adopting the concurrent resolution providing for a Joint Committee on Public Expenditures, was reconsidered, when the following was offered in lieu thereof:

*Resolved by the Senate, the Assembly concurring,* That a joint committee of two on the part of the Senate, and three on the part of the Assembly, be appointed to take into consideration the public expenditures, and to report such bill or bills for the retrenchment of the same as the public welfare may demand. And said committee is hereby empowered to send for persons, books, and papers, and to administer oaths; *provided*, that no State officer, or clerk, or employé in any State office, or officer, member, or attaché of the Legislature, who may be summoned before said committee as a witness, shall receive any compensation therefor.

Adopted.

Mr. Irwin offered the following:

*Resolved*, That a committee of three be appointed to ascertain and report the amount due officers of the last Legislature, as mileage and per diem, for their services in assisting at the organization of the present Legislature.

Adopted.

The President appointed as such committee Messrs. Irwin, Duffy, and Lindsey.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Laine—An Act giving the consent of the Legislature to Cornelius Finley, County Clerk of Santa Clara County, State of California, to absent himself from said State for a period not exceeding sixty days.

Read first and second times, and placed on file.

By Mr. Roach—An Act to establish and maintain a training ship in the City and County of San Francisco.

Read first and second times, and referred to San Francisco delegation.

By Mr. Finney—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of San Mateo County to settle certain claims against said county, approved April the first, eighteen hundred and seventy-two.

Read first and second times, and placed on file.

By Mr. Pendegast—An Act to amend section four thousand one hundred and nine of the Political Code of the State of California.

Read first and second times, and placed on file.

By Mr. Tuttle—An Act to amend the Code of Civil Procedure respecting exemptions of property from execution.

Read first and second times, and placed on file.

By Mr. Laine—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Read first and second times, and placed on file.

At one o'clock P. M., on motion of Mr. Lindsey, the Senate took a recess till two o'clock P. M.

## REASSEMBLED.

Senate reassembled at two o'clock P. M.

President in the chair.

Roll called, quorum present,

On motion of Mr. Farley, the Senate adjourned to twelve o'clock to-morrow.

## IN SENATE.

SENATE CHAMBER,

Friday, December 5th, 1873. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## COMMITTEE TO WAIT UPON HIS EXCELLENCY, THE GOVERNOR.

The President appointed Messrs. Farley, Perkins, and McCune the committee on the part of the Senate to wait upon the Governor to inform him of the organization of the Senate.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Graves—An Act defining the legal distances from the county seat of Ventura County to Sacramento, Stockton, and San Quentin.

Read first and second times, and placed on file.

Also, an Act to repeal an Act concerning roads in the Counties of Santa Barbara and San Luis Obispo, passed February twenty-first, eighteen hundred and seventy-two.

Read first and second times, and placed on file.

By Mr. Evans—An Act to provide for the assessment of incumbered real estate.

Read first and second times, and placed on file.

By Mr. Keys—An Act to provide for the building of and furnishing a Court House, offices, and Jail, in Merced County, and for improving the Court House grounds.

Read first and second times, and referred to delegation.

Also, an Act to repeal an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March thirteenth, eighteen hundred and sixty-six.

Read first and second times, and placed on file.

## MOTIONS AND RESOLUTIONS.

Mr. McKusick offered a resolution, as follows:



*Resolved*, That the Secretary of State be and is hereby authorized to furnish the Secretary of the Senate with a copy of the Codes.

Adopted.

Mr. Lindsey offered a joint resolution, instructing our Senators and requesting our Representatives in Congress to use their influence to induce Congress to enact a law which shall grant to the people of this State the exclusive right and control of all the waters that are not navigable within this State, for agriculture, mining, and manufacturing purposes.

Read first and second times, and ordered on file.

Mr. Rouch offered a joint resolution in relation to the tax on jute, bagging, and bags, instructing our Senators and requesting our Representatives in Congress to procure such amendments to the present tariff as shall reduce the duties on such articles to the rates set forth in the preamble of said resolution.

Read first and second times, and ordered on file.

#### NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Tuttle—An Act to change the Constitution of the State relative to the time of the meeting of the Legislature.

By Mr. Finney—An Act to enforce the education of children.

Also, an Act to raise revenue for the public schools of this State.

#### REPORT.

Mr. Farley, Chairman of the Senate Committee appointed to wait upon the Governor, verbally reported that the committee had performed that duty, and that his Excellency, the Governor, informed them he would immediately submit his first biennial message, together with important documents.

#### RESOLUTIONS.

Mr. Edgerton offered a concurrent resolution, authorizing W. F. Swimley to fit up a restaurant in the basement of the Capitol.

Mr. Perkins moved to lay the resolution on the table.

Lost.

On motion of Mr. Evans, amended to read as follows:

*Resolved by the Senate, the Assembly concurring*, That Wm. F. Swimley be and he is hereby authorized to fit up a restaurant in the basement of the Capitol, and to keep the same during this session of the Legislature; *provided*, that the same be done without any expense to the State, under the direction of the Secretary of State; *and, provided further*, that no intoxicating drinks be sold therein.

When the ayes and noes were demanded by the requisite number, and it passed by the following vote:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Fraser, Garratt, Graves, Hopkins, Irwin, Kent, Martin, McCoy, McKusick, Pendegast, and Spencer—23.

NOES—Messrs. Bush, Finney, Gibbons, Goodale, Hendricks, Keys, Laine, Lindsey, McCune, McMurry, Neff, O'Connor, Perkins, Roach, Turner, and Tuttle—16.

Mr. McCune offered the following:

*Resolved*, That J. J. Johnson be and he is hereby appointed Rear Porter of the Senate, at a per diem of four dollars, payable out of the appropriation for contingent expenses of the Senate.

Mr. Fraser offered an amendment to substitute the name of James Price for that of Johnson.

Lost.

When, on the adoption of the resolution, the ayes and noes were demanded by Messrs. Evans, Fraser, and Lindsey, and it was adopted by the following vote:

AYES—Messrs. Bartlett, Beck, Boggs, Duffy, Edgerton, Farley, Fraser, Garratt, Graves, Hendricks, Irwin, Kent, Martin, McCoy, McCune, McMurry, O'Connor, Pendegast, Perkins, Roach, and Tuttle—21.

NOES—Messrs. Bush, Crane, Dyer, Eakin, Evans, Goodale, Hopkins, Keys, Laine, Lindsey, McKusick, Neff, Spencer, and Turner—15.

Mr. Tuttle offered a resolution, as follows:

*Resolved*, That the Secretary of State be required to keep an accurate account of gas used by the restaurant keeper, and require payment of him for the same, at the usual rates.

Mr. Kent offered a resolution, providing for the appointment of W. H. Menefer Mail Carrier of the Senate.

On motion of Mr. Irwin, the resolution was laid on the table.

#### REPORT.

Mr. Irwin submitted a report, as follows:

MR. PRESIDENT: Your committee appointed to ascertain and report the amounts due officers of the last Senate for mileage and per diem, for services rendered in the organization of the present Senate, beg leave to submit the following report:

Robert Ferral, Secretary of the last Senate, for mileage, \$17 55; for per diem, \$48 00.....	\$65 55
J. B. Stevens, Minute Clerk of the last Senate, for mileage, \$8 25; for per diem, \$48 00.....	56 25
James W. Hawkins, Sergeant-at-Arms of the last Senate, for mileage, \$5 25; for per diem, \$18 00.....	23 25

Adopted.

W. IRWIN,  
J. A. DUFFY,  
TIPTON LINDSEY.

Mr. Irwin offered the following resolution:

*Resolved*, That the sums set opposite their names respectively, be paid to the following named persons for services rendered during the organization of the present Senate; to be paid out of the appropriation for the contingent expenses of the Senate:

J. M. Shannon, for services as Assistant Sergeant-at-Arms, three days, six dollars per day.....	\$18 00
James Saultry, as Night Watchman, three days, four dollars per day.....	12 00
Charles Harem, Hiram Clock, and Jacob Webb, as porters, each .....	12 00
Edward Boyle, as Clerk of Sergeant-at-Arms.....	15 00
H. D. Millard and Julius Lavine, as Pages, each.....	9 00
Wm. Mennifee, as Postmaster.....	9 00

Adopted.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from his Excellency, the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 5th, 1873. }

*To the Senate of the State of California:*

I herewith transmit to your honorable body my first biennial message, with accompanying documents. As there is but one copy of some of these documents, I respectfully ask that the Assembly be informed of their receipt.

NEWTON BOOTH,  
Governor.

On motion of Mr. Pendegast, the further reading of the Governor's first biennial message was dispensed with.

#### GOVERNOR'S MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, December 1st, 1873. }

*To the Senate of the State of California:*

I congratulate you upon the favorable auspices under which you are assembled. In the past two years the seasons have been propitious; the growth of the State, if not rapid, has been natural and healthful, and we have been happily exempt from the financial revulsion which has so disastrously affected the business and commercial credits of the people of most of our sister States. The Indian hostilities which lately threatened the people of the northeastern portion of the State with the dangers of a protracted Indian war, have been suppressed by the vigorous

measures of the General Government, without expense to the State. The brave men who fell in the discharge of their perilous duty, in giving protection and security to our fellow-citizens, should be held in grateful recollection, and their comrades, who survive, are entitled to honorable recognition. This is the more due from us to them, as Indian warfare is more fraught with hardship and danger than any other, and affords less of that opportunity which is the soldier's highest incentive and confers his truest reward.

I take great pleasure in calling your attention to the reports of the Controller and State Board of Equalization, herewith transmitted. They are State papers of great ability, full of suggestive matter, and are worthy of careful study. Taken in connection, they not only exhibit the present condition of the State and the distribution of the property it contains, but are valuable contributions to its financial history. Prior to eighteen hundred and seventy-two, no uniform rule was observed for determining the values of property for purposes of taxation. The result was, valuations were almost as various as the counties, ranging from fifteen to eighty per cent of real values. As the rate of taxation for county purposes was generally limited by law, the counties that were poor and embarrassed were compelled to adopt a higher standard of valuation than their more fortunate neighbors, in order to obtain the necessary county revenues, and their property-holders paid an undue proportion for the support of the State government. To remedy this injustice, the State Board of Equalization was instituted. The Code adopted by the last Legislature did not assume to enlarge the definition of property, or change the law of assessment, but only provided the machinery for ascertaining the cash value of all that which the Courts of the State had decided to be property subject to taxation in the meaning of the Constitution, so as to secure the uniformity the Constitution requires. Under the operation of this provision, the assessment rolls, as equalized, were increased from two hundred and sixty-seven million eight hundred and sixty-eight thousand one hundred and twenty-six dollars and seventy-six cents, in eighteen hundred and seventy-one, to six hundred and thirty-seven million two hundred and thirty-two thousand eight hundred and twenty-three dollars and thirty-one cents, in eighteen hundred and seventy-two. In order to conform to the fiscal theory of the Government, that the revenues of each year should be, as nearly as possible, equal to the appropriations, the Legislature authorized the Board of Equalization to determine the rate of taxation necessary to meet the current appropriations of the fiscal year after they had received and equalized the Assessors' returns.

For the twenty-fourth fiscal year (July first, eighteen hundred and seventy-two, to July first, eighteen hundred and seventy-three), the Board fixed the rate at one half of one per cent. The rate was not reduced in the same proportion the valuation was increased, for reasons shown in the report of the Board of Equalization: First—Because, under the Code, the State derives her revenues from a property tax only, and prior to its enactment she had received annually about four hundred and twenty thousand dollars from licenses, half the poll taxes, stamps, premiums on insurance, etc. Second—The deficiencies of the twenty-second and twenty-third fiscal years were large, as the rate of the State tax fixed by the Legislature of eighteen hundred and sixty-nine and eighteen hundred and seventy was insufficient. Third—Unusually large appropriations were made by the last Legislature.

The litigation incident to putting the new system in operation, is set



forth in the report of the Board. After various writs, orders, and appeals, a majority of the Justices of the Supreme Court, at the April term, eighteen hundred and seventy-three, held in substance: That the law creating the Board of Equalization, and authorizing it to fix the rate of taxation, was constitutional; that the taxation of solvent debts amounted to double taxation, and violated the rule of the Constitution which requires uniformity. On account of this decision solvent debts were omitted from the assessment rolls of eighteen hundred and seventy-three, and the amount of taxable property reduced to five hundred and twenty-seven millions two hundred and three thousand nine hundred and eighty-two dollars. The Board were prevented from making a reduction of the rate corresponding to the reduction of expenses, but compelled to again fix it at one half of one per cent to raise the necessary revenues. After a rehearing of the cases in which the decision above referred to was rendered, on the seventh of November, eighteen hundred and seventy-three, it was held by a majority of the Court, two Justices dissenting, that the law prescribing the powers of the State Board of Equalization was constitutional.

As the injunction asked for was denied for other reasons the question of the constitutionality of the taxation of solvent debts was not necessarily before the Court for judicial decision, and upon this subject it is difficult to find a concurrence of more than two of the opinions rendered upon any one point.

Two of the opinions were to the effect that solvent debts were not taxable; one that under the Constitution they could not be exempt; one that in any given case it devolves upon the owner of a debt seeking relief to show that the same specified thing has been taxed more than once; and one that the question as a general principle is one of political economy, belonging to the Legislative, and not to the Judicial Department.

Owing to this litigation, the delinquencies have far exceeded the estimate, amounting—for State purposes—on solvent debts alone, to four hundred and seventy-nine thousand two hundred and sixty-eight dollars and eighty cents in San Francisco.

I respectfully commend to your careful study the opinions of the Justices of the Supreme Court on this subject. That men so learned, able, and upright, should not be able to agree upon the constitutional construction of a law upon which the State and county governments depend for their revenues, and therefore for their existence, clearly shows that some constitutional change should be made. It would be a public misfortune, resulting in the old system of inequality, to lose the services of an efficient State Board of Equalization. The provision of section thirteen, Article eleven, of the Constitution, which requires that "Assessors and Collectors of town, county, and State taxes shall be elected by the qualified electors of the district, county, or town in which the property taxed \* \* \* is situated," has been productive of great difficulty, expense, and litigation in the collection of street assessments, road, school, and other local taxes, and is constantly invoked by those who desire to avoid the payment of their just share of the expenses of government. The reasons for its adoption have long since ceased. The objections to the constitutionality of the State Board of Equalization set forth in the opinion of the Chief Justice of the Supreme Court, could be remedied by providing for the election of three State Assessors, whose duties would be similar to those of the present State Board. I am of opinion that the Constitution should prohibit injunctions to

restrain the collections of taxes. I concur in the recommendation of the State Board that the law should provide that "taxes paid under protest should be paid over to the State and county, and that the taxpayer desiring to test the legality of the taxes so paid, should be denied an action against the Tax Collector to recover, but allowed one against the county and State."

No system of taxation can be absolutely just, but no system is so unjust practically as one that is but partially enforced, and which necessarily lays the burdens of government upon those who are least able, or most patriotic and conscientious. Appropriations are made by the representatives chosen by the people for that purpose. If the science of political economy has not succeeded in demonstrating the exact best method of collecting a revenue, and probably cannot under the varying conditions of civilized society, it is not the fault of legislators, who, in the apportionment of taxes, endeavor, to the best of their judgment, to adopt an equitable system; and the refusal of any one to pay is not an imaginary injury to that incorporeal something called the State, but a substantial wrong to those who are compelled to make the default good.

At the beginning of this administration the indebtedness of the State, exclusive of money on hand to redeem bonds, was.....	\$4,042,864 93
On June 30th, 1873.....	3,714,668 92
Decrease .....	\$328,196 01

On the first of November, 1871, the debt of the State, bearing interest, in private hands, was.....	\$2,121,500 00
On November 1st, 1873.....	1,634,000 00
Decrease .....	\$487,500 00

The entire Funded Debt, exclusive of money applicable to redemption, was, November 1st, 1873.....	\$3,448,000 00
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Of which there was held:

In trust for the School Fund.....	\$1,417,500 00
In trust for the University Fund.....	396,500 00
In private hands.....	1,634,000 00

It seems to have grown into a prescriptive usage that the State should hold a portion of her own bonds, in trust, for purposes of her own good government, and that the sum so held should figure in the annual exhibit of her indebtedness—an indebtedness held by herself against



herself. The custom seems to me very much as though a man should execute a note to himself for an amount to be devoted to the education of his children, which should annually appear in his balance sheet as a liability. It is true, a portion of these bonds are the proceeds of lands given to the State by the General Government for educational purposes, but the State does, and always will, discharge that obligation, and more, and could do so equally well without the unnecessary machinery of bond and coupon accounts; and if the appropriation were made direct, we should have a more definite idea of the amount of money devoted to the support of each department of government.

The State really owes, November first, eighteen hundred and seventy-three:

On bonds to parties other than herself.....	\$1,634,000 00
On outstanding warrants.....	660,604 94
Total .....	\$2,294,604 94

When we consider the circumstances under which the State was settled; the habits of speculation and personal extravagance which were stimulated by its early methods of business; the changeable character of its population; the facts that public buildings had to be provided in a brief period—that appropriations for public charities have, necessarily, been exceptionally large, and those for educational purposes upon a liberal scale—we are compelled to the conclusion that the fiscal policy of the State Government, as a whole, has been prudently managed.

The total of the funded debt of the counties is seven million five hundred and twenty-three thousand six hundred and eighty-six dollars and forty-one cents. Much of this was contracted in the "flush times," from an unfortunate habit of liberally discounting the future; a considerable portion of it is for subsidies to railroads and toll roads; and, in some instances, it is so heavy a burden as to threaten the bankruptcy and practical dissolution of the county governments. I find in this the most gloomy outlook of the financial future of the people of the State, and the most difficult one for the Legislature to deal with.

The revenues received by the State from all sources, for two years, beginning July first, eighteen hundred and seventy-one, and ending June thirtieth, eighteen hundred and seventy-three, which were applicable to payment of current expenses, and principal and interest of public debt, were four million nine hundred and forty-eight thousand nine hundred and thirty-seven dollars and twenty-two cents. This does not include such receipts from lands as are invested in bonds for the School and University Funds, or the receipts from the San Francisco wharves, which are set apart and used only for the improvement of the water front—but does include two hundred and fifty thousand dollars from the sale of State Capitol bonds.

The report of the Controller will show the items of expenditure. I have segregated and classified the principal items, in order to show, as clearly as possible, "where the money goes," and to furnish a proper basis for intelligent retrenchment. In the two years ending June thirtieth, eighteen hundred and seventy-three, there was expended:

For public buildings and improvements, exclusive of San Francisco wharves....	\$1,225,614 60	
Annual average.....		\$612,807 30
For educational purposes, buildings and purchase of bonds not included.....	953,563 82	
Annual average.....		476,781 91
For charities—insane, deaf, dumb, and blind, and orphans, and donations.....	688,300 29	
Annual average.....		344,150 15
For Judicial department.....	258,785 16	
Annual average.....		129,392 58
For support of State Prison.....	255,181 82	
Annual average.....		127,590 91
For aid to societies.....	40,000 00	
Annual average.....		20,000 00
For salaries of State officers and clerks..	221,048 28	
Annual average.....		110,524 14
For printing, paper, and official advertisements.....	197,505 60	
Annual average.....		98,752 80
For the National Guard of California .....	114,022 44	
Annual average.....		57,011 22
For the State Library.....	32,568 91	
Annual average.....		16,284 45
For the revision of laws.....	38,725 56	
For the nineteenth Legislature.....	277,058 08	
For the relief of Calaveras County.....	60,212 50	
For interest guaranteed on bonds of the Central Pacific Railroad Company.....	210,000 00	
Annual average.....		105,000 00
For interest on the State debt, other than that held for schools and university.....	299,226 16	
Annual average.....		149,613 08

A number of valuable and timely suggestions are made in the report of the Controller in regard to retrenchment of current expenses. I agree with him that the contingent expenses of the Legislature are unnecessarily large, and that part of the supplies for the Legislature, and of "fuel, lights, and stationery," could be purchased by contract to advantage. It will always be necessary, however, to give the Secretary of State some discretion, as it is impossible to anticipate every item which will become necessary.

I do not think the salaries paid to Judicial officers, and State officers, and members of the Legislature, in excess, if their duties are faithfully discharged, while any salary to inefficiency is worse than a loss. The report of the Controller himself, shows how much value an able officer can make his services to the State.

The appropriations for buildings and improvements can be greatly reduced, principally, however, because the necessities of the State are more nearly supplied than ever before.

I concur in the recommendations that the transportation of prisoners and insane be made a county charge; that the Hospital Fund be abol-

ished, and the amount therein turned over to the General Fund; that the *ad valorem* tax be so consolidated as to be levied only for the General Fund, Sinking and Interest Fund, and School Fund; and agree with him that the practice of placing in the general appropriation bill any items other than those for necessary expenses of government, tends to make it a vehicle for carrying measures of a special or doubtful character. There is no difficulty in preparing a general appropriation bill to meet ordinary expenses. It should be one of the first Acts adopted, so that all other measures and appropriations may stand or fall upon their own merits.

I shall refer to some of the other suggestions in treating of the heads to which they properly belong.

If the State never had acted upon the policy of contributing to orphan asylums, private charities would no doubt have supplied the want; to cease, however, all appropriations at once, without timely notice, would cause great suffering to a very helpless class, who are to some extent wards of the State. I believe, though, that sound policy requires that the State should at an early day make suitable provision for the care of such orphans as are properly dependent upon her charity, and discontinue appropriations to institutions not under her control; and that no appropriations should be made in aid of private societies, to promote special interests, or for bounties or subsidies.

#### REPORT OF THE TREASURER.

The report of the Treasurer succinctly exhibits in tabulated form the receipts and expenditures of the State for the twenty third and twenty-fourth fiscal years, and the condition of the various Funds on June thirtieth, eighteen hundred and seventy-three.

#### ATTORNEY GENERAL'S REPORT.

The litigation of the State has recently been in some respects of a very important nature. The Attorney General sets it clearly forth in his report, which contains, also, some valuable recommendations in regard to changes in the laws and Constitution.

He suggests the enactment of a law to prohibit carrying concealed weapons, and the proposition is strengthened by the experience of the State since the repeal of the former statute upon that subject. In different portions of this message I shall discuss the other suggestions of his report, except that in regard to minority representations. I am myself so firmly convinced that a just system should be adopted, which will secure to minorities a fair representation, that I commend the subject to your consideration, not only in its application to private corporations and municipal governments, but as one worthy of your deliberations upon State policy and constitutional amendments. If the principle were carried into the election of members of the Legislature, it would obviate the practical difficulty of accurately bounding the districts, and prevent colonization. Under such a system, the most populous counties could elect their representatives by general vote, with a fair assurance that each party would be represented in proportion to its numerical strength.

## SECRETARY OF STATE.

The report of the Secretary of State is a satisfactory exhibit of the transactions of his office, and contains some valuable suggestions. I call your attention especially to the paragraph in reference to the publication of the Reports of the Supreme Court. The expense to the State of the publication of one thousand two hundred copies of each volume amounts annually to more than ten thousand dollars. No revenue has been derived from the sale of the Reports, because, since the new law went into operation, the demand has been supplied by their publication in book form by a private publishing house before the edition for the State was delivered. If this work were taken from the State printing, and the Secretary of State or Board of Examiners were authorized to make a contract therefor, all, or nearly all, of the expense could be saved, and the State be furnished with the three hundred copies, necessary for distribution, at a nominal price.

## LOAN COMMISSIONERS.

An Act to provide for the payment of the funded indebtedness of the State, and to contract a funded debt for that purpose, approved April second, eighteen hundred and seventy, and ratified by the popular vote at the next general election, appointed the Governor, the Controller, and Treasurer a Board of Loan Commissioners, and authorized them to issue and sell not exceeding three million seven hundred thousand dollars of six per cent State bonds for the purpose of redeeming the outstanding seven per cent bonds which by their terms were subject to redemption. By the provisions of the Act, the holders of bonds issued under the Act of April twenty-eighth, eighteen hundred and fifty-seven, and of those issued under the Act of eighteen hundred and sixty, and of Soldiers' Relief and Soldiers' Bounty Bonds, were entitled to exchange them for the new issue at the rate of ninety-three cents on the dollar par value. The Commissioners have advertised for proposals, and have held a number of meetings, with the following result: The total amount of new six per cent bonds issued to July first, eighteen hundred and seventy-three, is one million four hundred and ninety-seven thousand five hundred dollars, of which one million one hundred and forty seven thousand five hundred dollars were exchanged at ninety-three cents for outstanding bonds specified in the Act referred to, and three hundred and fifty thousand dollars were sold at par to the School and University Funds. Of the one million four hundred and ninety-seven thousand five hundred dollars issued, there is held by the State one million sixty-six thousand five hundred dollars for the School Fund, and two hundred and sixty-one thousand five hundred dollars for the University Fund.

Certificates amounting to two thousand one hundred and eighty-eight dollars and twelve cents have been paid; and three hundred and forty-seven thousand eight hundred and eleven dollars and eighty-eight cents, balance from the sale of bonds, has been placed to the credit of the Sinking and Interest Fund of eighteen hundred and fifty-seven. Unpaid certificates to the amount of one thousand nine hundred and thirteen dollars and eighty-seven cents are yet outstanding, one hundred and sixty-six dollars and sixty cents of which is for the School Fund, and three hundred and twenty-seven dollars and ninety-five cents is for the University Fund.



No bids for the purchase of bonds were received which were satisfactory to the Board, except those from the School and University Funds above mentioned, and the Commissioners have deferred further action in the hope that such of the outstanding bonds as are not exchanged under the provisions of the Act will be absorbed by the School and University Funds before maturity.

#### STATE LIBRARY.

The condition of the Library, as shown in the report of its Trustees, is certainly creditable to the State, and the suggestions made by them for its future improvement are worthy of consideration. I indorse the recommendation that more attention be given to the collection of works relating to California and the Pacific Coast, believing, with the Trustees, that "a State Library should contain every book, pamphlet, magazine, manuscript, and paper that contains anything pertaining to the history of the State." Legislation will be necessary for the better system which is required in the maintenance of our domestic and foreign exchanges. The method best adapted to the purpose is suggested in the report.

#### NATIONAL GUARD OF CALIFORNIA.

The report of the Adjutant General shows that there are in the National Guard at this time: four companies of cavalry, twenty-nine companies of infantry, and two batteries of artillery. Fourteen companies have been disbanded during the past two years. The reported deficiency in the Military Fund should be remedied by appropriation. It is desirable that the militia be armed with improved weapons, and as the State possesses four times the number of stands of muskets there are in use, the care of which is a constant expense, whilst they are rapidly decreasing in value, it is recommended that an Act be passed authorizing the sale of these weapons, or a portion of them, the proceeds to be devoted to the purchase of breech-loading arms.

The great quantity of war material received by California from the United States during the rebellion, wrongfully charged to her account of annual quota of arms due under Act of Congress of eighteen hundred and eight, was, at the last session of the Legislature, the subject of a joint resolution requesting our members of Congress to take action to relieve the State. A bill was introduced in Congress, but failed to pass.

The increased allowances granted to companies under the Code have been generally applied to payment for new uniforms, the purchase of which had become a necessity. Section one thousand nine hundred and fifty-eight of the Political Code permits each company to adopt a distinct name. Like the multifarious uniforms heretofore in use, this is objectionable; the law should require that all companies attached to regiments or battalions be known and designated by letter only.

The increased appropriation for the National Guard made in eighteen hundred and seventy-two, was in conformity with a suggestion made by my predecessor. I confess that at the beginning of my term of office I was of the opinion that expenditures for purposes of the National Guard were among the least useful of those made by the State. I have changed that opinion to the extent of recognizing the value of the National Guard. First—As a moral force to prevent riots in large cities, and a

physical force to suppress them should they occur. Second—As a school to train teachers and officers in case the necessities of war should compel the State to organize any considerable portion of her militia for actual service. It is one of the obligations the State owes to the other States to be able to contribute her quota of troops promptly, if it should be called for by the General Government.

#### OUR LAND DEPARTMENT.

The Surveyor General, in his report transmitted herewith, reiterates the suggestion made by his predecessors in office that a final adjudication by the Courts would determine that the United States made no reservation of mineral lands in granting to the State every sixteenth and thirty-sixth section within her borders.

The question is an interesting one, and it is important that it should be decided.

That the General Government should make such a marked departure from its recognized policy of reserving mineral lands, and should concede something more than two million acres to California, in the richest mineral belt yet developed in the world, is not to be assumed too readily; but if a thorough examination establishes the fact, the sooner a clear understanding upon the subject between the General Land Office at Washington and our State authorities is arrived at, the better it will be for the security of mining and land titles. Under our statutes many locations of sixteenth and thirty-sixth sections have already been made in mineral districts, which may in the end prove valid; and it will serve to illustrate the importance of the question to mention the fact that in some instances locators have thus attempted to acquire complete title to valuable mining claims held in adverse possession under general laws.

Legislation looking especially to the sale by the State of the sections in question, would, in my opinion, be premature and likely to cause much confusion and insecurity; and would meet at the outset the opposition of the Department of the Interior, which now assumes to have the final control of this class of lands. The Act of Congress of July ninth, eighteen hundred and seventy, providing for the sale and patenting of placer mining lands, makes no reference in terms to school sections; and the Act of Congress, approved July twenty-third, eighteen hundred and sixty-six, "to quiet land titles in California," the theory of which was to define the rights and properties of the State and the General Government respectively under the various grants, expressly reserves the mineral land to the United States, and refuses to confirm such sales thereof as the State had made during the preceding sixteen years. It is probable, therefore, that Registers of United States Land Offices would be slow to recognize any title that may possibly vest in the State. The question, too, of how to best secure and protect existing rights in the event of a decision in favor of the State, is a grave and complicated one, and is one that naturally requires the assistance of the authorities at Washington in its determination.

But, whether or not the law is positive in its terms, and whether the grant was made with or without reservations twenty years ago, further unnecessary delay cannot be of service to either the General Government, the State, or citizens interested in knowing the truth; and the subject is commended to your careful consideration.

The various grants made to California having now been mainly dis-



posed of, it is fitting that a brief review be made of their value to our commonwealth. The swamp lands, ceded to the State in trust merely for the purpose of reclamation, never yielded any direct revenue from sales, and never will. Large bodies have been reclaimed, others are being protected from overflow, and the general result has been arrived at that such land is extremely valuable when fairly reclaimed. Much of the report above alluded to is devoted to the subject, and is worthy of attention. In this connection, your attention is directed to the report of the Reclamation Fund Commissioners. The grant of one hundred and fifty thousand acres for an Agricultural College, having been given to the University of California, the management of it has devolved upon the Board of Regents.

The other grants are:

	Acres.
"School Land".....	500,000
"Seminary Land".....	46,080
"Public Building Land".....	6,400

The revenues from all sales of these lands have been devoted by our statutes to the support of the common schools; and the land has all been sold. The following table will show the receipts; it is made from the Controller's books, and embraces those from sales of sixteenth and thirty-sixth sections, and lieu lands also:

TABLE  
Showing the receipts from sales of State lands.

YEARS.	GRANT OF FIVE HUNDRED THOUSAND ACRES.		SEMINARY LANDS.		PUBLIC BUILDING LANDS.		GRANT OF SIXTEENTH AND THIRTY-SIXTH SECTIONS.	
	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.
To June 30th, 1853.....	\$484,496 41	\$3,590 56	.....	.....	.....	.....	.....	.....
To June 30th, 1859.....	41,745 78	18,461 03	.....	.....	.....	.....	.....	.....
To June 30th, 1860.....	18,368 38	28,401 14	\$911 90	\$318 16	\$54 32	.....	.....	.....
To June 30th, 1861.....	8,686 52	25,725 62	1,888 97	2,715 96	140 04	.....	.....	.....
To June 30th, 1862.....	28,234 83	25,034 93	194 00	341 57	.....	33 59	\$1,160 75	\$746 22
To June 30th, 1863.....	40,361 17	41,307 74	1,770 42	395 92	201 44	31 04	223 10	328 89
To June 30th, 1864.....	33,605 50	33,945 45	697 60	3,615 92	.....	139 64	13,424 49	8,334 34
To June 30th, 1865.....	7,433 57	11,853 75	1,001 60	1,719 97	.....	139 62	5,556 67	10,846 29
To June 30th, 1866.....	20,013 78	22,967 58	2,214 08	1,497 57	.....	338 05	9,006 38	6,399 39
To June 30th, 1867.....	7,122 79	21,824 28	1,613 52	1,487 17	.....	122 89	8,702 22	10,730 31
To June 30th, 1868.....	21,774 82	18,425 30	2,484 23	1,464 16	.....	122 96	28,917 36	12,518 81
To June 30th, 1869.....	37,883 14	40,955 57	7,293 82	3,034 95	15 36	303 55	95,309 50	53,430 63
To June 30th, 1870.....	16,639 48	27,728 65	14,197 72	2,464 13	949 12	581 80	143,338 35	78,265 68
To June 30th, 1871.....	15,679 65	11,189 37	4,772 97	1,114 67	2,145 01	8 17	84,926 30	56,312 94
To June 30th, 1872.....	16,883 67	14,011 05	1,896 27	370 62	.....	.....	83,028 83	51,636 40
To June 30th, 1873.....	18,784 74	12,418 75	2,300 75	117 39	174 94	827 34	154,997 87	87,701 98
Totals.....	\$821,214 33	\$357,840 79	\$43,467 85	\$21,308 16	\$3,838 63	\$2,980 58	\$929,611 82	\$377,521 79

## RECAPITULATION.

	Principal.	Interest.
Grant of five hundred thousand acres.....	\$821,214 33	\$857,840 79
Grant of sixteenth and thirty-sixth sections.....	629,611 82	377,521 79
Grant of seminary land.....	43,067 85	21,308 16
Grant of public building land .....	3,838 63	2,980 58
Totals.....	\$1,497,732 63	\$759,651 32
Principal .....		\$1,497,732 63
Interest .....		759,651 32
Total .....		\$2,257,383 95

Deducting from this total of two million two hundred and fifty-seven thousand three hundred and eighty-three dollars and ninety-five cents the forty-eight thousand seven hundred and twenty-four dollars and eighty-nine cents returned to purchasers, and estimating the cost of annulling titles at ten thousand dollars, the total receipts are shown to be two million one hundred and ninety-eight thousand six hundred and fifty-nine dollars and six cents, and as a practical result, seven hundred and eighty-one thousand one hundred and fifty-nine dollars and six cents has been apportioned during the several years to the different counties for the support of schools; the State Treasurer holds in trust for the School Fund bonds to the amount of one million four hundred and seventeen thousand five hundred dollars, producing an annual income of eighty-seven thousand five hundred and sixty dollars; and there remains due to the State an unpaid principal of one million eleven thousand two hundred and eighty-seven dollars, drawing an annual interest of one hundred and one thousand one hundred and twenty-eight dollars and seventy cents. To attain this result, the State has expended two hundred and fifty-four thousand three hundred and sixty-nine dollars and thirty-two cents in the maintenance of her Land Department.

The Surveyor General recommends the repeal of the law establishing a land agent of the State at Washington. There seems no reason for assuming that the General Land Office needs a special envoy to urge it forward in the performance of routine work, and the fact that the Land Agent has been paid twenty-eight thousand five hundred and sixty-eight dollars and seventy cents from the State Treasury for his three years' work, is a good reason for the repeal of the law.

The law enacted in eighteen hundred and sixty-eight, repealing all previous statutes relating to the sale and management of State lands, has been harshly criticised by persons competent to judge and honest in their opinions. Illegitimate speculation and monopoly were invited by its terms, and its machinery, if not designed for such a purpose, was at least successfully used to enable men, by the use of some capital and much activity, to intervene between the State and her bona fide settlers. It is a bad land policy that makes it possible for speculation in the domain of the State to be reduced to a system; and that permits any schemer who fancies the employment to obtain legal control of vast tracts which the State cannot force him either to pay for or relinquish

to those who would. Such has been the operation of the Act of eighteen hundred and sixty-eight. The fault lies in the law. It is natural that speculators should avail themselves of advantages deliberately offered by the State. The Code, taking effect January first, eighteen hundred and seventy-three, and placing a limit upon the individual power to theoretically purchase and actually control school land, went far towards preventing further evil than had already been done. To remedy that which might not otherwise be reached, I recommend the passage of a law requiring payment in full within one year of all principal and interest due to the State for sixteenth and thirty-sixth sections, or lands in lieu thereof; and indorse the recommendation of the Surveyor General, that in the future, sales of such lands be made for cash only. There can be no injustice in requiring full payment within a year, for the lands were sold subject to that contingency; and unless such provision be made, it would be bad legislation, in my opinion, to provide for the cash sales. The amount of principal due upon this class of lands is eight hundred and seventy thousand five hundred and fifty-four dollars. No further sales of "lieu lands" should be permitted. They are exhausted, apparently, and a cessation of possible sales will enable the State to protect many purchasers whose titles are jeopardized through conflicts, double selections, and from other causes.

Under the policy pursued by the State up to eighteen hundred and sixty-eight, the State Treasury was the banking medium for the reclamation of swamp lands, and the State exercised those duties of direct management which the various counties have since been charged with. Sixty-six Swamp Land Districts were created, and separate Funds established in the Treasury for their reclamation. Upon the theory that every acre in each district, sold and unsold, would produce one dollar of revenue for reclamation purposes, the Controller was authorized and directed by law to issue his warrants accordingly, drawn against the respective Funds named. So long as the State retained the management, these warrants naturally returned to the State Treasury, and were properly canceled; but since the Controller certified the districts over to the counties none of those which then remained outstanding have been canceled by the State. Many of them have been finally deposited with County Treasurers, but no check exists in the system to prevent their accidental or otherwise repeated use, and the fact that they are warrants against our State Treasury suggests the propriety of guarding the State's interest in the matter.

The total amount of these warrants issued is.....	\$544,015 32
Amount redeemed.....	391,126 14
Amount outstanding.....	\$152,889 18

#### DISTRIBUTION OF LANDS.

Of the one hundred and twenty million acres contained in the area of this State, twenty millions four hundred and sixty-six thousand eight hundred and six are held in private ownership, outside of towns and cities. Of this twenty million four hundred and sixty-six thousand eight hundred and six acres, twenty-seven thousand nine hundred and



ninety-six tracts are held by owners in tracts varying from one hundred acres to three hundred and thirty-four thousand one hundred acres; one hundred and twenty-two owners possess five million three hundred and forty-seven thousand four hundred and sixty-four acres in tracts of from twenty thousand to three hundred and thirty-four thousand one hundred acres; one hundred and fifty owners possess two million and ninety-eight thousand four hundred and seventy-five acres in tracts of between ten thousand acres and twenty thousand acres; two hundred and thirty-one owners possess one million six hundred and three thousand four hundred and fifty-eight acres in tracts of between five thousand and ten thousand acres; one thousand eight hundred and sixty owners possess three million seven hundred and forty-four thousand five hundred and thirty-seven acres in tracts of between one thousand and five thousand acres; two thousand three hundred and eighty-three owners possess one million nine hundred and sixty-one thousand two hundred and nine acres in tracts of between five hundred and one thousand acres; twenty-three thousand two hundred and fifty owners possess five millions seven hundred and eleven thousand six hundred and sixty-three acres in tracts of from one hundred to five hundred acres.

• This statement approximates but does not show exactly the distribution of the lands which are held in tracts of one hundred acres and over, as the large landholders not unfrequently own lands in different counties, which, of course, are assessed as different tracts.

It would be useless to discuss here the abstract theory of ownership in the soil, or the correctness of the principles upon which it is based. The right has been so long recognized and protected by law, is so much the growth of history and so intimate a part of our social system, that it is a question of great difficulty and delicacy to legislate properly for the correction of the evils which have grown out of its exercise, without disturbing that security of property which is recognized as an essential factor in our civilization. It would be futile, also, to advert at length to the causes—such as the Mexican land grants with which the acquisition of California was incumbered, the apparent necessity of holding swamp lands in large bodies for purposes of reclamation, and the past mistakes of the State and General Governments in the sale and donations of land—which have rendered possible so great a consolidation of landed interests. These are beyond remedy. Some amendments have been suggested to our State laws, but the State has already sold nearly all her lands of value. Making due allowance for the suggestion of the State Board of Equalization, that a considerable portion of the land held in large bodies is devoted to grazing, and unfit for any other purpose, and recognizing the fact that the necessary effect of the increased application of labor-saving machinery to agriculture is to increase the size of farms in actual cultivation, it still remains true that a large portion of the lands of California are held “on speculation,” for the advance in value, to the detriment of the growth and prosperity of the State, and in contravention of the “natural right of every one born on the earth to so much of its soil as is necessary to his subsistence.”

To admit that this is the result of custom, sanctioned by society and recognized by law, is only to transfer the responsibility of the wrong done from individuals to the system.

## DISTRIBUTION OF VALUES.

The values of land are distributed between the towns and cities and the country, as follows:

Town and city lots.....	\$162,887,859 00
Lands in the country.....	152,128,004 00
Total.....	\$315,015,863 00
Improvements on town and city lots.....	\$64,814,343 00
Improvements on lands.....	29,256,030 00
Total.....	\$94,070,373 00
The value of personal property is.....	\$118,117,746 00
Total valuation of property.....	\$527,203,982 00

It will be seen from the above exhibit, that for the current year about three fifths of the property tax will be collected from lands. If the whole tax were levied upon lands, the rate would be increased two thirds—from fifty to eighty-three and one third cents per hundred dollars; and, in round numbers, sixty-five million dollars of improvements in towns and cities, twenty nine million dollars of improvements in the country, and one hundred and eighteen million dollars of personal property would be released from taxation. I have no data from which to determine the exact distribution of personal property as between towns and cities and the country, but the statement in the report of the Controller that live stock for the current year was assessed at thirty-four million four hundred and one thousand three hundred and sixty-six dollars, merchandise at thirty-one million seven hundred and thirty-two thousand eight hundred and seventy-one dollars, and all other personal property (aside from money and solvent debts) at thirty-nine million seven hundred and ninety-four thousand four hundred and seventy dollars, would make approximately correct the deduction that the division is about the same as of land values, and nearly equal. This refers to assessed values—not real.

## CORPORATION TAXES.

The report of the Controller shows that banking corporations in the City of San Francisco, with an aggregate capital stock (all of par value in the market) of eleven million four hundred and ninety thousand dollars, are assessed upon three million two hundred and nine thousand dollars; water and gas companies, with stock worth in the market ten million six hundred and eighty thousand dollars, are assessed upon one million seven hundred and fifty-five thousand dollars; and that all the home and foreign life, fire, and marine insurance companies are assessed upon property and pay taxes upon seven hundred and eighty-seven



thousand five hundred and eight dollars. There were in eighteen hundred and seventy-two eight hundred and fifty miles of railroads in the State, assessed in the aggregate, including rolling stock, lands, and improvements, at twelve million three hundred thousand dollars; and of this, the collection upon four million nine hundred and eighty-nine thousand five hundred and twelve dollars—the assessed value of two hundred and sixty-five and fifty one hundredths miles and the apportioned rolling stock—has to this time been successfully resisted in the Courts by the Central Pacific Railroad Company. As cause for resisting the payment of this sixty-three thousand four hundred and ninety-nine dollars of taxes, it is claimed by the railroad company that the divisions of the road and rolling stock lying in the Counties of Nevada, Placer, Sacramento, San Joaquin, Alameda, and Santa Clara, are not subject to taxation in this State, for the alleged reason that the Federal Government has an interest in the property arising out of the subsidies granted in aid of its construction.

#### DEDUCTIONS IN REFERENCE TO TAXATION.

I am of the opinion that if taxes were levied for State purposes only upon lands and upon such corporations as enjoy special franchises and exercise the right of eminent domain, the only parties who would pay more than they now do, would be corporations and the owners of unimproved lands and unimproved town and city lots. Under an assessment of lands and lots alone, this year, all persons whose improvements and personal property were more than two fifths of their entire possessions, would pay less taxes for State purposes than now, and the tax upon franchises would probably reduce this proportion from two fifths to one quarter; that is, if the value of lands belonging to any one man was not more than four times the combined values of his improvements and personal property, his State taxes would not be increased. The proportion for county purposes would vary with the distribution of property in each county. A distinguished American writer upon Political Economy, after collating a great many facts, lays down the general rule as approximately correct, that in towns and cities the values of personal property and improvements will be equal to the value of the lots. In England, which has become the world's banking house and commercial center, where there is a greater accumulation of money, bonds, and personal property than anywhere else in the same area, it is estimated that the value of all these—including railroads—is to the value of the lands as sixty to forty.

It has recently been decided, by the Supreme Court of the United States, that a State tax upon the gross receipts of a railroad, was not in conflict with that provision of the Constitution which gives Congress the power to regulate commerce; and under the difficulties of ascertaining the value of a railroad in sections by County Assessors, that is, perhaps, the most feasible manner of deriving a revenue from that species of property—the State distributing amongst the counties through which the road passes the proportions to which they are entitled.

Many of the Eastern States derive a large portion of their revenues from corporation taxes. Here, it seems to be one of the immunities of corporations to escape taxation, while the theory is maintained that all property shall be taxed in proportion to its value.

Fully aware that no change can be made in this theory, and impressed with the belief that none can be made in its imperfect application,

except under an amendment to the Constitution, I respectfully present the subject for your consideration.

I have no knowledge that the data afforded by the report of the State Board of Equalization have been before collated with a view to show the probable practical working, in the collection of the revenues of this State, of a scheme of taxation which earnestly engages the attention of political economists, and which has for its object the collection of State revenues from franchises granted by the State and from that portion of the value in lands which is not conferred by labor, but by the general progress of society. Imperfect as the deductions are, and they are submitted with the more diffidence because untried, I trust they will be at least sufficient to elicit valuable discussion.

#### STOCKTON INSANE ASYLUM.

Among the charitable institutions of the State, one of the most important, on account of its magnitude and necessary cost of support, is the Insane Asylum, at Stockton. A full account of its operations during the past two years, and of its present condition, is given in the biennial reports of its officers. It contains one thousand one hundred and fifty-six patients. These have been maintained during the two years at an average cost of forty-five cents a day for each patient. This includes the salaries of physicians, wages of employes, and every expense payable out of the appropriation for the support of the Asylum. It is a little below the average cost in former years, and probably it would not be safe to estimate for its future on a basis of less than fifty cents a day.

It will be observed, by the Superintendent's report, that the new wing to the building occupied by the females, authorized to be built by the Act of March twenty-seventh, eighteen hundred and seventy-two, is far advanced in construction, and will soon be completed. In this connection, it is gratifying to remark that the appropriations for this institution have been sufficient to pay the expenditures they were designed to meet, and that the too common necessity of applying for deficiency appropriations has not been the result of the present management.

The male department of the institution has long been excessively crowded, and its condition in this respect is growing more and more oppressive. Sentiments of humanity will suggest to you the necessity of hastening the provision for its relief. The accumulation of the chronic insane in California, forms no exception to the experience of other States, other than in the mode of their care. With the commencement of its existence the State undertook to provide accommodations for all its insane. It has steadily pursued this liberal policy. It has recognized no such obstacle to admission to its Asylum as a want of room. Hence, the chronic and incurables have been accumulating there for more than twenty years, while its doors have always stood open to receive the newly committed. Every kind of mental disorder is congregated there. Idiotic and feeble minded persons are unknown as State charges, except as they are found in the State Insane Asylum, classed as insane. The chief cause, however, of the great number of patients in this Asylum is the retention for life of the chronic and incurables. In many similar institutions in the Eastern States it has been the custom, so far as it was found necessary, to return this class to the counties whence they were sent, or to their friends. This mode of relieving the State Asylum, instead of being put in operation here, seems to

have been reversed; and the county hospitals, or infirmaries, are themselves relieved by sending inmates whose minds have succumbed to the effects of protracted, incurable physical disease, to the State Insane Asylum, where they become life residents. The whole burden thus borne by the State at a single point is most sensibly felt. To exhibit a different condition of things, I may state the fact that the Philadelphia Almshouse contains nearly nine hundred insane persons, which is about one third more than are provided for in any of the Pennsylvania State Hospitals for the insane.

The custom of giving publicity to nearly all the cases sent to the State Asylum, and the numerical magnitude of that institution, have the tendency to give an exaggerated idea of the prevalence of insanity in California. The ratio of our insane is very nearly one to every five hundred of the general population. This proportion is exceeded in at least one of the older States—the only one wherein a full and accurate enumeration of its insane has been had. Nearly twenty years ago there was “one lunatic among every four hundred and twenty seven, and one idiot among every one thousand and thirty-four, and one among either of these classes in every three hundred and two of the people of Massachusetts.” At that time, there were two thousand six hundred and thirty-two insane persons in Massachusetts, exclusive of idiots, and two thousand and eighteen of them were classed as incurables, while one thousand four hundred and ninety-one were “at their homes, in town or city Poor Houses, or Houses of Correction, Jails, or State Almshouses.” Since then, one State Hospital for the Insane has been built in Massachusetts, of a capacity for four hundred patients. But the problem whether the State will ever be able to support all its chronic and incurable insane, in such expensive edifices, remains unsolved.

The only special appropriation asked for the Stockton Asylum, is one for the purchase of ground for a cemetery outside the present inclosure; this seems to be needed. Your attention is particularly invited to that portion of the Superintendent's report which treats of the care of insane convicts.

The management of an institution containing so large a number of insane persons as the Stockton Asylum, requires executive and professional ability of the highest order; and it gives me pleasure to say that these demands have been met in a manner worthy of this noble and beneficent charity.

#### NAPA INSANE ASYLUM.

Under the provisions of the Act of March twenty-seventh, eighteen hundred and seventy-two, to establish a new Asylum for the Insane, the Commissioners to select the site filed their report August fifth, eighteen hundred and seventy-two; and upon receiving the opinion of the Secretary of the State Board of Health, the report was approved on the twelfth of the same month.

These able documents, and the reports of the Directors of the Napa State Asylum for the Insane, are herewith transmitted. Work was commenced in March, eighteen hundred and seventy-three, and the foundations of the institution are now laid and completed. The plan adopted is upon an estimated cost of six hundred thousand dollars; this is less than the average cost of similar buildings in the State of New York. It is important that the work should be pushed to completion without delay, in order to afford the relief so clearly necessary to the Asylum at Stockton.



## STATE CAPITOL.

During the past two years a great deal of work has been done upon the building, which is now virtually completed, so far as construction is concerned; the adorning and finishing remains incomplete, though well advanced. The report of the Capitol Commissioners shows that three hundred and thirty-eight thousand and ninety dollars and sixty-four cents has been expended since January first, eighteen hundred and seventy-two, making the total cost of the building and the improved grounds, to November first, eighteen hundred and seventy-three, two million three hundred and seventy-one thousand and forty-two dollars and thirty eight cents. In addition to this, one hundred thousand dollars has been paid for the additional grounds directed to be purchased by the Nineteenth Legislature, and the Executive Mansion has cost sixty-six thousand seven hundred and eighteen dollars and sixty-two cents. About twenty thousand dollars remains due on contracts, and the Architect's estimate for materials and labor necessary to fully finish the building and grounds is one hundred and sixteen thousand dollars. A large proportion of expenditures recently made was for grading and ornamenting the grounds, which are so fully competent to express for themselves their value and beauty that no comment is necessary. A perfect title has been obtained to the additional grounds referred to. Any appropriation which may be made for their improvement, should be void of any restrictions which might tend to prevent the Commissioners from using it to the fullest advantage of the State. In some instances the power to make contracts would avoid an expense that the obligation to work by the day's labor would entail. I indorse the recommendation of the Commissioners relating to the creation of permanent positions for designated employes about the building. The services of those which are named will always be necessary to the care of the Capitol.

The Executive Mansion should be completed or otherwise provided for. It costs the State a disproportionate sum to simply take care of it in its present condition.

## ASYLUM FOR THE DEAF AND DUMB, AND THE BLIND.

The biennial report of the Trustees and Principal of this institution is able and interesting, not only exhibiting the condition of the Asylum, but discussing with intelligence and accuracy the mental disabilities of the unfortunate classes for whom it is provided, and the best methods for their care and education.

The Asylum is free from debt, the appropriation made by the last Legislature having proven sufficient for current expenses.

In addition to the appropriation for current expenses, one of eight thousand dollars is asked for to complete the entrance front, and for improvement of grounds.

On July first, eighteen hundred and seventy-three, there were ninety-three pupils in the Institution. I indorse the recommendation of the Principal that the law be so amended as to require the State to furnish clothing for indigent pupils only. A valuable bequest was made to the Institution by the late Mr. R. W. Durham, of Butte County. The distribution of the estate not having been made, the amount is not yet ascertained.

In the early part of this year charges were made by some of the blind pupils reflecting upon the management of the Institution. The Board of Trustees promptly instituted an investigation. "The majority of the Board, after examining into the matter, found these charges were without foundation, and came to the conclusion that the children and more elderly pupils, incited by improper influences, had magnified the smallest grievances into great wrongs." After this investigation accusations of a still more serious nature were published, and at the request of the Principal, I requested a committee, consisting of Hon. E. W. McKinstry, J. B. Harmon, Esq., Rev. A. L. Stone, A. S. Hallidie, Esq., and Hon. N. W. Spaulding, to make a public investigation of the management of the Institution, and of all charges which might be preferred.

After a patient and thorough investigation, lasting more than three weeks, these gentlemen made their report to me, vindicating the moral character of the Principal, and indorsing his ability as a teacher and administrator. The acceptance of this trust by the gentlemen named, and the careful and able manner in which it was discharged, deserve this recognition of thanks from me, and from the Legislature a fair compensation for services rendered. I congratulate the people of the State that the usefulness of the Institution has been increased rather than impaired by the severe ordeal through which it has passed.

#### OUR UNIVERSITY.

The University of California took possession of its permanent site at Berkeley July sixteenth, eighteen hundred and seventy-three; and instructions in literary and scientific studies are now given there. The two buildings provided by the State have been completed, and their suitable equipment is now in progress. The number of instructors there employed is eighteen, and the number of students enrolled at the beginning of the present College year was one hundred and ninety-nine, of whom thirty-two are ladies. Instruction of a high order is given in literary and historical studies, and in science, with special reference to the agriculture, the mines, and the engineering works of the State. A system of manual labor has been inaugurated. Many generous gifts have been received from individuals. Steps have been taken for the organization of a Department of Medicine. The Board of Regents have been fortunate in securing the services of Mr. D. C. Gilman as President, and it gives me great satisfaction that I believe the University will speedily take rank among the best in the United States, be an unfailing source of good, and an object of just State pride.

#### PUBLIC INSTRUCTION.

The able report of the Superintendent of Public Instruction is devoted to the discussion of three important topics concerning the common school system of the State, viz: Compulsory education; the need of trained teachers; and the support of our common schools.

#### COMPULSORY EDUCATION.

The statistics given show the attendance at the public and private schools, and the non-attendance and truancy of census children, for a period of eight years. In eighteen hundred and seventy-three there were on the census roll one hundred and forty-one thousand six



hundred and ten children. Of this number, twelve thousand five hundred and seven attended private schools, and ninety-seven thousand and eighteen were enrolled in public schools; but only seventy-one thousand one hundred and seventy—or 50.26 per cent of the whole—attended regularly enough to be considered pupils. So large a proportion do not attend any school as to give great weight to the arguments of the Superintendent in favor of a compulsory system.

#### NEED OF TRAINED TEACHERS.

There cannot be a good school without a good teacher. Teaching is a profession in which no one is likely to excel who does not bring to it love of the art, and intention to make it a permanent pursuit. In some European countries, Examining School Boards test applicants, not so much in what they know, as in their ability to impart that knowledge, and to stimulate the desire for learning. Under our system of examination, the certificate given to an applicant is upon the percentage of correct answers to a list of questions; and it has often occurred, that some of the questions are concerning historical facts and dates, or geographical localities, so obscure and unimportant, that no mind other than a memorizing machine would attempt to carry them. The only way to get good teachers, is to employ either those who have trained themselves for teaching, or have been trained for it, and such can be secured only by fair pay and permanent employment.

#### SUPPORT OF COMMON SCHOOLS.

As shown by the carefully prepared tables annexed to the report of the Superintendent, there were one thousand four hundred and sixty-two school districts in eighteen hundred and seventy-three, of which six hundred and thirty-seven maintained an eight months' school; in many districts the appropriations were only sufficient to maintain a school for three months; and one hundred districts—from inability to support a term of three months—were deprived of their "proportion of the interest of the public fund."

The number of census children has increased nine per cent since eighteen hundred and seventy-one; and, as the funds provided by the State have increased only 1.5 per cent, the appropriation has decreased from three dollars and fifty-six cents to three dollars and eighteen cents, to each census child.

The total expenditures for common schools in the State, from June thirtieth, eighteen hundred and seventy-two, to July first, eighteen hundred and seventy-three, was two millions one hundred and thirteen thousand three hundred and fifty-six dollars and twenty-five cents. The funds for school purposes are obtained: First—From the State apportionment. Second—From county apportionments. Third—From district apportionments. It will of course be impossible to devise and carry on in a sparsely settled community so effective a system of schools as can be maintained where population is so dense that every neighborhood can support a school within easy reach of every child. That is one of the disabilities of many sections of our State, for which no legislation can furnish an adequate remedy. Those who live in populous and wealthy portions of the State, have little conception of the burden of local school taxes in many districts less fortunately situated. In a matter so vital to progress and good government, the strong should help to bear the bur-

dens of the weak, and the State apportionment should be liberal. The expensive machinery of local officers and separate assessment and collection of district taxes, render that resource of little value and questionable utility under the present revenue provisions of our Constitution. Attention is called to that portion of the Superintendent's report which shows the State's apportionment could be made more equitably upon the basis of the districts than upon the number of children. The property of the public schools is estimated at four million dollars, and it is generally in excellent condition.

I am of opinion that the words "white" and "colored" should be stricken from our school law. They are a badge of the past. Every child born on our soil should have an equal inheritance in the institutions of our common country—an equal right to a fair start in the race of life.

#### TRUSTEES OF THE STATE NORMAL SCHOOL.

The reports of the Board of Trustees and of the Principal of the State Normal School show that institution to be now in a prosperous condition. The corps of teachers is satisfactory. Two additional teachers will be needed during the present year. A training school has been organized in connection with the institution, and its advantages are so evident that other classes will soon be added.

The Trustees suggest that the following appropriations will be necessary: To complete the building, twenty-five thousand dollars; for furniture, five thousand dollars; for draining, graveling, and ornamenting the grounds, ten thousand dollars; for apparatus, three thousand dollars; and for annual expenses, twenty thousand dollars.

#### COMMISSIONERS OF THE NORMAL SCHOOL BUILDING.

The Legislature at its last session passed an Act providing for the completion of the State Normal School building, and authorizing the appointment of three Commissioners for that purpose. The Act was approved March twenty-ninth, eighteen hundred and seventy-two, and I appointed J. A. Quimby, T. H. Sinex, and Charles Welti. Their report, transmitted herewith, explains in detail every act performed by them in discharging their duties. They carefully examined the old indebtedness, and allowed claims to the amount of eighty-eight thousand five hundred and thirty-eight dollars and one cent. At the time the Commission was organized the building was unfit for occupation, and one of the school houses of the City of San José was used. The city having demanded its possession, the Commissioners were compelled to complete so much of the Normal School building as would permit its occupancy. This was accomplished in about two months, and the sessions of the school have since been regularly held there. The amount appropriated for the two fiscal years—one hundred and fifty thousand dollars—has been expended, the work suspended, and the material left on hand carefully secured and stored. The report gives a full description of the building when taken charge of by the Commissioners, the work done under their administration, and its present condition. The old indebtedness paid amounted to eighty-eight thousand five hundred and thirty-eight dollars and one cent, which, with the sixty-four thousand six hundred and eighty dollars and sixty-four cents paid for new work,

gives a total of expenditures of one hundred and fifty-three thousand two hundred and eighteen dollars and sixty-five cents, and leaves a deficiency of three thousand two hundred and eighteen dollars and sixty-five cents to be provided for.

#### TIDE LAND COMMISSIONERS.

This Board was intrusted with the management of the tide lands belonging to the State by virtue of her sovereignty, lying within a radius of five miles of the boundaries of San Francisco, and with the complete sale of them for the benefit and endowment of the University of California. The work is completed, so far as the surveys and sales are concerned, but the system of partial payments authorized to be established by the statute, makes it necessary that all the records, maps, and documents pertaining to the work be made of constant and easy access in San Francisco, and that the provisions of the law relating to resales of forfeitures be continued in operation. This can be accomplished by devolving the duties of the Board upon designated State officers; abolishing the present Board, saving seven thousand five hundred dollars per annum; and giving the Board designated the power to appoint some one person to take charge of the San Francisco office, and do the necessary clerical work. The law could be effectively and advantageously amended in these respects: resales should be made for cash; and power should be given to the substituted Board to make compromise sales to such owners or possessors as may have actual or equitable titles to disputed tracts. Such amendments will insure the full closing of the entire work at a comparatively early period, and will remove clouds from titles that the State should protect.

The work of the Commission has been an effective one.

The cash receipts have been.....	\$1,002,463 02
Deferred payments amount to.....	481,797 98
<b>Total amount of sales.....</b>	<b>\$1,484,261 00</b>
Expenses of Commission.....	280,396 62
<b>Net proceeds.....</b>	<b>\$1,203,864 38</b>

Should the deferred payments be promptly made, the contemplated generosity of the State will be fully accomplished in eighteen hundred and seventy six, and there will be in our State Treasury an Endowment Fund producing an annual income to the University of California of fifty thousand dollars.

Especial attention is due to the question of disposing of the tide lands of the State lying contiguous to the reservations made by the General Government in the City of San Francisco. The cession of them to the United States would be an easy solution of possible difficulties, and leave no room for argument upon respective rights; perhaps the use of the Presidio grounds for a public park would be the reciprocal resulting advantage. The matter has been the subject of official correspondence, without definite action, and should be fully disposed of.



## STATE PRISON.

The State Prison is one of the most important subjects in connection with the State Government, and I earnestly commend to your consideration the Report of the Resident Director. The history of the State Prison is not creditable to the State. There has been no settled policy in regard to it. Each administration takes it where its predecessor left it, does the best it can with the very limited facilities afforded, and attempts to make such improvements as its own experience suggests. The treatment of the prisoners is humane; they have a sufficiency of coarse, healthy food, and no greater punishment is inflicted than is deemed essential to maintain discipline. The hygienic condition of the prison is as good as it can be where the prisoners are confined twelve hours in twenty-four in imperfectly ventilated cells and rooms, with an average of not more than one hundred and fifty cubic feet of air to the inmate. That there should be so little sickness, and an average mortality less than that of the State, speaks highly for the healthfulness of the location, and the skill and care of the surgeon. The prisoners who are able are kept employed, when not at work for contractors, about the grounds and buildings. This is all it is possible to say in favor of the management of a prison where three hundred and fifteen convicts are confined in eight rooms, one hundred and ninety-two in forty-eight cells, and one hundred and thirty-two in sixty-six cells, without a possibility of classification. Two things are essential to any further improvement: a separate cell for each prisoner, and a permanent directory. The machinery of Courts and officers employed to convict offenders is expensive, and it is the worst possible economy to send the convict to a school of crime; it is a species of injustice and moral cruelty to the convict, for which no physical humanity can atone. A prison where the young and the old, the hardened and the unfortunate, are huddled together promiscuously is necessarily a school of crime. The science of prison discipline is attracting the attention of many of the ablest living minds. The system which is best for one country, or one State, may not be the best for another. There should be a permanent Board of Control who would make these various systems their careful study, and adopt from each what is best for ours.

The employment of convict labor by contract has been the subject of just criticism. There is no choice between this and idleness, until the prison is placed under the control of a permanent Board by whom the business of the institution could be managed upon a policy fixed for a longer term than four years. The price paid by contractors for convict labor—forty cents per day inside the walls—seems to be much under its value, but no administration has been able to get more. The last advanced the price to fifty cents, but were compelled to recede to forty, or allow the prisoners to be unemployed. The present Board of Directors have made no contracts not terminable upon six months notice, but have received no higher applications from responsible parties, for enough men to justify the enlargement of the shops. Acting upon the policy of keeping prisoners at work, the Directors have made some improvements in necessary buildings for officers, laying out roads, and building reservoirs, but have employed no more free labor than was necessary to direct that of the prisoners. The supply of water at the prison, except in the rainy season, has always been short, and of poor quality. In the Summer much of it had to be hauled long distances, there was no pro-

tection against fire, and there was always a dread of a water famine. The Board, therefore, contracted with the Marin County Water Company for a supply of fifty thousand gallons a day, for the sum of one thousand dollars per month, until December first, eighteen hundred and seventy-five. The sanitary condition of the prison has been much improved by the introduction of water, and the risk of destructive fire has been greatly diminished. For the usual statistics of the prison, I refer you to the Report of the Resident Director, and accompanying Reports of the Clerk and Surgeon, herewith transmitted.

#### BRANCH PRISON.

In the general appropriation bill, passed April first, eighteen hundred and seventy-two, there was an item of one hundred thousand dollars for a Reformatory or Branch State Prison. It was contended that this appropriation, together with an Act approved April twenty-fourth, eighteen hundred and fifty-eight, and an Act approved March thirtieth, eighteen hundred and sixty-eight, required the Board of Directors to construct a Branch State Prison on lands near Folsom, deeded to the State for that purpose by the Natoma Water Company. No part of the appropriation has been expended, the Attorney General giving his opinion that the Board had no authority to draw it.

I am of the opinion that one prison can be more economically managed than two, and can be arranged so as to afford better facilities for classifying prisoners with reference to age, crime, character, and conduct in prison.

#### PARDONS.

No Executive can be exempt from errors of commission and omission in the exercise of the pardoning power. The prerogative involves duties more painful, and graver responsibilities, than any other appertaining to the office of Governor. A Governor cannot refuse to hear any appeal, and there is scarcely a day in his official term upon which he is not called to listen to one or more. The innocent share in the punishment of the guilty, and very often the punishment of friends and families is heavier than that of the criminal. There are no human means of meting out punishment to crime with the exactness of a mathematical equation. The inequality of sentences for the same offense in different Courts, and often in the same Court, at different times, will become apparent to any one called upon to review them. This sense of injustice rankles in the bosom of the convict and emphasizes his war with society. I know of no adequate remedy for these evils, but they should be recognized and discussed. It should not be forgotten that the criminal element in society is as truly representative as the commercial, the professional, the industrial, or religious. There are born thieves as truly as there are born poets, but the great majority of those who are confirmed criminals become so from the accident of early associations—from children of the street they become denizens of the slums, and when not under restraint, are habitual violators of the law. There are others, who commit crime in the violence of passion, under sudden temptation, or the pressure of extreme want, and no one untried knows how far he would be exempt from like frailties, under like circumstances. It is not given to man to accurately determine motives or character, and the standard of punishment is necessarily arbitrary. Judges and juries usually get but a fleeting view of a single scene in the life of the ac-



cused, and though it is very rare that the innocent are convicted, it is equally rare that the measure of guilt is accurately determined. I believe that a commission to hear applications and recommend for pardons would be a valuable adjunct to our criminal jurisprudence, and could greatly assist in equalizing sentences; and that if the Directors and officers of our State Prison were made permanent, something analogous to the ticket-of-leave system could be gradually established, to the great advantage of the State.

#### CAPITAL PUNISHMENT.

During my official term eight men convicted of murder have been executed, two have committed suicide to avoid execution, and there are five now under sentence of death. The right of society for its own protection to affix the death penalty for the highest crimes known to the law is conceded; the policy of its exercise under the present conditions of our civilization is a matter of grave and serious doubt. In the discussions between the advocates of capital punishment and of life imprisonment this only is clear: that the conditions of human society are so variable that it is impossible to determine from any statistics which system has the greater efficacy in preventing crime—the one armed with the terror of death, the other with the greater certainty of punishment. It is fair to suppose, then, there is no decided difference, or it would be made evident. It remains true that the shame, the humiliation, the dark shadow of despair that often falls upon innocent friends, is an inconceivably greater penalty than the snapping of the brittle cord of life. Whether we regret it or rejoice at it, we are not made of as stern stuff as our forefathers, and the infliction of the death penalty is a shock to the moral sense of at least a large minority, and carries through the sensitive nerves of society a thrill of remorseful regret to thousands of tender hearts. Sometimes, too, the awful solemnity of the scaffold is converted into a melodramatic scene, and made the occasion for the exhibition of a sympathy akin to admiration, which exalts the murderer into a hero, and effaces the lesson of his punishment in pity for his fate. We may blame these things; should we not also avoid them?

Executions are required to be private, but, in this age of newspapers, they are faithfully reported to every fireside, and whatever of evil influence there was in public executions before the newspaper age, is necessarily increased in tenfold degree. I am of opinion that the death penalty should be abolished, and some kind of imprisonment, different from that provided for crimes of lower grade than murder, should be devised instead; and that in such cases, the power to pardon should be so circumscribed as to require proof of innocence, before it could be exercised.

#### THE PLEA OF INSANITY.

When any one is acquitted upon trial under indictment, upon ground of insanity, the verdict should state that fact, and the accused should be sentenced to the insane asylum, and not be discharged except through a pardon.

#### SAN FRANCISCO HARBOR.

In November, eighteen hundred and sixty-three, the State took possession of the water front at San Francisco, and has since that date

managed it through her Board of State Harbor Commissioners. The Board has collected two million one hundred and ninety-six thousand and ninety-four dollars and sixty-four cents, and has expended one million nine hundred and twenty-nine thousand three hundred and eighty-two dollars and twenty-three cents. The only improvement, of a permanent character, that has been made, is a seawall embankment three thousand two hundred and fifty-two feet in length. The Act authorizing the construction of this bulkhead requires it to be eight thousand three hundred and thirty-seven feet long, but the work was suspended three years ago because the revenues from port charges were insufficient to prosecute the work and to pay current expenses.

In National importance, the port now ranks third in the respect of duties paid on imports, and in other respects ranks equal with any; and as a subject of vital interest to the State, it is entitled to and demands the most serious, deliberate, and laborious attention.

The wharves are constructed of such material and in such a manner that from the moment of their completion there is the certainty that they must be rebuilt, partially within three years, and (excepting a few) wholly within a few years more. The harbor is constantly and persistently shoaling. The sewerage system of the city increases the evil. The water front presents to tidal currents a series of obstructions which produce eddies, and a succession of angular traps for mud and sediment. With an increasing commerce, there is no adequate increase of accommodation, but on the contrary, there is danger of a decrease. The State has expended one hundred and fifteen dollars and thirty-three cents per day since November first, eighteen hundred and sixty-three, for dredging in slips and at docks, levying a tax upon commerce to pay the aggregate of four hundred and one thousand three hundred and sixty-one dollars and ten cents, and the work has simply given temporary accommodation to vessels. It has not been of the least permanent benefit.

The ravages of the *teredo navalis* and the *limnoria terebrans*, destructive marine worms, preying constantly upon wooden piles; the various methods of protecting and preserving submerged wood; the shoaling at the docks; the dredging, repairing, rebuilding, and creating new facilities for commerce; and especially the radical change in the outline of the water front necessary to a system of wharves and docks constructed upon engineering principles, are ably and elaborately discussed in the Report of the State Harbor Commissioners. It is apparent that if the State continues to manage the water front, it would be difficult to devise a plan for the purpose more effective and economical than the present one, honestly administered as it now is; and if the only deductions that can be drawn from ten years experience with it may be accepted as correct, the fact has been demonstrated that in order to create a water front worthy of the important position, and to remove the world-wide stigma of exorbitant port charges in our harbor, the State must resign direct control and management. This is the unavoidable conclusion of the theory of making commerce pay for the harbor improvements. The revenues will suffice to pay current expenses, and to make ordinary repairs, but no genuine advantage will be gained or substantial improvement made, nor will the surplusage of receipts enable the best management to meet the requirements of an annually increasing tonnage.

But one alternative presents itself, and that is the increase, by taxa-

tion of property, of the revenues devoted to the construction and maintenance of wharves, docks, and piers.

Without discussing the question or considering here whether such a tax were most appropriately laid on the property throughout the State or on that in San Francisco alone, I recommend the latter, and in my opinion the City of San Francisco should be vested with entire charge of the water front, under carefully devised and well considered restrictions, and under a statutory scheme that will eventually result in a free port, and in establishing shipping facilities in our harbor that shall be second to none in the world. Ship and car should be given all possible facilities for coming together; and as the waters are open to all ships, so should the railroad tracks along the piers be open to all the cars, of all companies, forever.

#### STATE HARBOR COMMISSIONERS.

In October, eighteen hundred and seventy-two, I was informed that frauds were being perpetrated in the execution of the trust committed to the Board of State Harbor Commissioners. My information and the sustaining proof was of such character that I decided to immediately investigate the matter fully. An expert was appointed to examine and analyze all matters of record, who entered upon the task at once and placed his report in my hands on the thirteenth of January, eighteen hundred and seventy-three. The report is transmitted as part of the appendix to this message. Early in January, eighteen hundred and seventy-three, and before the completion of the report alluded to, suits were commenced in the Nineteenth District Court to remove Commissioners John J. Marks and Jasper O'Farrell from office. It is unnecessary to recite the history of the litigation, which was conducted on behalf of the State ably and energetically, and finally terminated by reason of the resignation of Commissioner Marks on the twenty-first of February, and the resignation of Commissioner O'Farrell on the fourth of March, eighteen hundred and seventy-three.

As the result of the administration of affairs by a different Board, the receipts have increased about two hundred and forty dollars a day. The following table will show the comparative receipts during six corresponding months under the old Board and the new:

1872.				
May .....	Amount remitted State Treasurer.....			\$1,711 02
June .....	Amount remitted State Treasurer.....			1,760 06
July .....	Amount remitted State Treasurer.....			5,681 53
August .....	Amount remitted State Treasurer.....			4,684 69
September .....	Amount remitted State Treasurer.....			2,805 20
October .....	Amount remitted State Treasurer.....			6,248 43
1873.				\$22,890 93
May.....	Amount remitted State Treasurer.....	\$7,692 50		
June .....	Amount remitted State Treasurer.....	9,518 44		
July .....	Amount remitted State Treasurer.....	9,268 53		
August .....	Amount remitted State Treasurer.....	11,601 98		
September .....	Amount remitted State Treasurer.....	13,364 45		
October.....	Amount remitted State Treasurer.....	15,148 53		
				\$66,594 43
Increase of 1873 over 1872.....				\$43,703 50



## STATE INSURANCE COMMISSIONER.

The result of an experience of nearly six years proves the wisdom of our legislative enactments relating to insurance. With the exception of some minor provisions in the law, concerning which you are respectfully referred to the report of the Commissioner, there are no defects apparent in the system, which protects alike the insurer and the insured, and constitutes a complete method of supervision by the State without undue official interference, free from discriminating exactions or prohibitory ones, but perfect enough to compel actual security and financial soundness.

There are forty-six fire and marine, and twenty-eight life and accident insurance companies doing business in this State.

## GEOLOGICAL SURVEY.

In establishing and continuing this work, the State has appropriated two hundred and forty-six thousand six hundred dollars, and the State Geologist now reports one hundred thousand dollars as the minimum appropriation adequate to the publication of the works in hand.

Admitting and regretting my own want of technical knowledge of the various subjects in connection with the geological survey, I think that the reasonable expectations of the people of the State, founded in great degree upon the reports and assurances of the State Geologist, have not been fulfilled by the results accomplished.

Early in February, eighteen hundred and seventy-two, for the purpose of obtaining definite information concerning work proposed to be done, I addressed a letter to the State Geologist. The reply, dated February twelfth, eighteen hundred and seventy-two, stated that the volumes of ornithology, botany, conchology, and possibly paleontology, would probably be in the publisher's hands within a year. By his report, transmitted herewith, it will be seen that, notwithstanding the lapse of nearly two years, and the expenditure of thirty-four thousand dollars, no new maps have been published which were not exhibited in proof sheets in eighteen hundred and seventy-one, and no new volumes have been published, nor have any been sent to the printer, except a portion of that on botany, "which will be in type, if no unexpected delay occurs, before the end of eighteen hundred and seventy-four."

The present condition of the survey is, that there have been published one volume of geology, two volumes of paleontology, one volume of ornithology, the Yosemite books, map of the vicinity of the Bay of San Francisco, map of the Sierra Nevada adjacent to the Yosemite, map of the Yosemite Valley, and a portion of the map of Central California, and that there is a large quantity of work in various stages of preparation.

The operations during the past two years, as shown by the report, have been confined to trips to Yosemite, Alpine, and Calaveras Counties, the earthquake region in Inyo County, and a geological excursion from San Diego to Los Angeles.

Work was also done on that particular geology of the San Francisco Bay map, the immediate publication of which was promised eleven years ago. No other geological work was done; nothing in the mining districts. It cannot be doubted that in authorizing the commencement of this scientific work, the Legislature contemplated that within a rea-

sonable period of time, there would be published, and made accessible to all, one or more volumes of Economical Geology, embracing the mines and useful minerals of California, with abundant geological and mining maps and illustrations, and containing useful generalizations touching the several branches of what was then our leading and peculiar industry, together with important delineations of the gravel mines and ancient rivers. No such books or maps have been published, and, so far as the survey is concerned, the world is yet in ignorance of the geological features of the mining region on the western slope of the Sierra Nevada, excepting such information as can be gleaned from the generalizations and scientific descriptions contained in the one volume of geology published. A scientific description, and the accurate geological mapping of the auriferous area bounded by the Stanislaus River, Spanish Peak, in Plumas County, the Sacramento River, and the Summit of the Sierra, would be of greater service to us than all that has been accomplished and made public, though, perhaps, less tributary to a wide renown. The topographical maps are beautifully executed, exhibiting original and compiled work of great value; but no maps have been published showing elevation of areas, and there is nothing in the books, maps, or reports, unless incidentally, that will assist to solve the great problems of drainage, irrigation, or reclamation—problems so purely dependent upon the aid of science of the exact nature invoked by the State in this survey.

I am well aware that the published volumes are entitled to and have obtained the high appreciation and commendation of scientific institutions in the Old World and in the Eastern States, but I do not believe that it has been, or now is, the deliberate policy of the State to place her own best interests last in any scheme, however comprehensive, for the advancement of abstract science.

There are now in preparation, and it is contemplated to eventually publish, the following volumes, together with numerous maps: Physical Geography; General Geology; Economical Geology; Ornithology; Botany; Palaeontology; Fossil Plants; Ichthyology; Conchology; and an Atlas Folio.

I recommend the appointment of a committee, whose duty it shall be to examine and ascertain the exact condition of all of these; to determine what shall be published, and when and how such publication shall be made; and to discover the amount necessary to be appropriated, in order to prevent loss to the State of work already done. And, I am of opinion that if the Geological Survey were connected with the University of California and made a part of its work, the best possible results could be secured, both from the materials on hand and those yet to be accumulated.

#### YOSEMITE VALLEY.

The whole of this interesting subject is presented in the report of the "Commissioners to manage the Yosemite Valley, and the Mariposa Big Tree Grove." Little has been done by the State in fulfillment of the obligation she imposed upon herself by accepting the grant made by Congress—four thousand dollars, only, having been devoted to the trust during the nine years which have elapsed. By decisions of our Supreme Court, as well as that of the United States, the ample power and authority of the Commissioners within the limits of the grant has been



established, and there remains to do the one thing always requisite to be done when good results are expected or demanded—the appropriation of funds commensurate to the required results. It is within the scope of the plan of the Commissioners to treat the entire grant from the best standpoints of engineering ability; to preserve and enhance its wonders and its beauties; to protect its natural grandeur; to prevent despoliation; to render it easy of access, and readily explored in all of its divisions; and to guard against the possible establishment of any systematic annoyance to visitors, or exactions from travelers. For these purposes, they recommend an appropriation of ten thousand dollars; the appointment of a commission to determine the equities in cases of actual residents and theoretical trespassers; and the payment of claims found to be just. The report gives information in detail concerning the wagon road now being constructed under an agreement now on file in this office. Without making any recommendations, I desire to call your attention to the subject as one that requires especial and thorough consideration.

#### STATE PRINTING.

An Act approved March twentieth, eighteen hundred and seventy-two, created the office of Superintendent of State Printing; abolished the office of State Printer after the expiration of the term of the present incumbent, and made an appropriation for a lot, building, and materials for a State Printing Office. As by the terms of the Act it does not take effect until July, eighteen hundred and seventy-five, the appropriation, under the Constitutional limitation, will lapse before it can be used, and should be renewed.

In connection with this subject, I desire to suggest the propriety of delegating to the State Board of Examiners the power and duty to determine what shall and what shall not be printed and bound with the appendices to the legislative Journals. Intelligent scrutiny will establish the fact that documents are so printed which have no value as published archives, but are a useless expense.

#### PUBLISHING LAWS IN SPANISH.

An amendment to Article eleven, Section twenty one, of the Constitution, was proposed by the last Legislature, and I trust will receive the favorable consideration of this, which will obviate the necessity of publishing the laws in Spanish. The cost of translating and publishing in Spanish the laws of the last session amounted to nine thousand dollars.

#### OUR CODE OF LAWS.

In providing for the publication of the Codes adopted by the Legislature in eighteen hundred and seventy-one and eighteen hundred and seventy-two, provision was also made for collating, arranging, and publishing the statutes continued in force. Both of these important trusts were discharged with fidelity and ability by the Commissioners. The great labor of comparison, research, and writing incident and necessary to fully complete the task assigned to them, and the unavoidable expenses which no appropriation was made to meet, is clearly explained in their report. The recognition and payment of this indebtedness would be simply just.

All of the Justices of the Supreme Court having united in a suggestion that I should appoint a Commission to examine the Codes and to prepare such amendments as seem to be necessary, a Commission, consisting of Honorable Stephen J. Field, Honorable Jackson Temple, and Honorable John W. Dwinelle, was organized on June twenty-first, eighteen hundred and seventy-three. The trust has been discharged in a manner worthy the distinguished ability of the gentlemen to whom it was committed. Drafts of bills amendatory of each of the Codes have been prepared and will be submitted to you.

The Commissioners speak in the highest terms of the Codes enacted, as "perfect in their analysis, admirable in their order and arrangement, and furnishing a complete Code of Laws; the first time, we believe, that such a result has been achieved by any portion of the Anglo-Saxon or British races."

Very much of the criticism to which the Codes have been subjected was due in fact to the law before it was codified, whose defects became apparent when the provisions relating to the same subject were collected under one head. The attention of the Commission has been particularly directed to remedying these defects, and to harmonizing such conflicting provisions as were inevitable in preparing so great a work in so short a time.

#### SAN FRANCISCO LEGISLATION.

Very much of the time of the Legislature, for many years, has been taken up in the consideration of measures of a purely municipal character, relating to San Francisco. Bills are introduced for opening and grading streets, for constructing public buildings, parks, drains, and sewers in the city, allowing claims against it, and making appropriations from the City Treasury. The Legislature is often compelled to pass upon measures, in the hurry of the last days of the session, involving large outlays, and about which an intelligent opinion cannot be formed except upon personal investigation, aided by engineering skill. The necessity for this arises from the restrictions imposed upon the city and county government. They should be removed, and necessary powers conferred upon a well organized local government. The whole theory of our institutions rests upon the principle of local government for local affairs.

#### TOO MUCH LEGISLATION.

The Acts of the last Legislature make a volume of over a thousand pages. There were six hundred and thirty-seven Acts passed, of which only one hundred and fifty-two were of a general character, many of the latter pertaining to matters of merely necessary routine, such as appropriations for payment of legislative expenses, etc. There were thirty-six concerning roads and highways; thirty-one in regard to the incorporation of towns and cities; thirteen authorizing School Trustees to purchase school property; thirteen to provide for the erection of county buildings; thirteen authorizing Supervisors to pay claims; thirteen for construction and maintenance of bridges; twelve authorizing Supervisors to levy special taxes; five to prevent animals running at large, and six concerning the destruction of squirrels and gophers. The objects of most of these Acts could be attained under general laws.

## CONSTITUTIONAL AMENDMENTS.

In addition to the suggestions before made in regard to Constitutional amendments, I respectfully submit the following as worthy of your consideration:

Article II, Section 1. The word "white" should be stricken out, to make the Constitution conform to that of the United States, existing facts, and unquestioned rights.

Article VI, Section 3. Special elections for Judicial officers and Superintendents of Public Instruction, should be abolished.

It would be a great convenience, save much expense, obviate the necessity of holding separate elections for members of Congress, and of electing United States Senators so long before the commencement of their term, to change the time of general elections from the odd to the even years.

The terms of office of the Justices of the Supreme Court, in cases of elections to fill vacancies occasioned by death or resignation, should be clearly fixed. It should be made certain, also, which member of the Court shall be Chief Justice. Under the present reading, there may be two or more with equal claims to that position.

The jurisdictions of the various State Courts should be more clearly defined, and power should be given to the Legislature to adopt a judicial system, which would consolidate jurisdictions of the District and County Courts, and to provide some method for relieving the Supreme Court of the accumulating mass of business. At present, the inevitable "law's delays" amount to a substantial denial of justice. In this connection; though not necessarily involving a Constitutional amendment, I think, if two thirds of a jury, in civil cases, could return the verdict, it would be a decided improvement to our jurisprudence. Constitutional provision should be made for the appointment of a Board of Directors for the State Prison, with power to appoint the Warden and other officers, so as to secure a permanent Board of Control beyond the contingencies of future legislative action.

Subsidies, by the State, county, or municipal governments, should be prohibited.

## NEW APPORTIONMENT.

The existing apportionment of Senators and Assemblymen is so manifestly unjust that its amendment is required by every consideration of popular government. It would be a wrong almost inviting a revolutionary remedy, for the Legislature to adjourn without making population the basis of representation. I renew the suggestion of my inaugural, that the rights of minorities should be protected by dividing the State into districts. If Assembly districts should prove in some cases to be impracticable, then into districts each of which shall be entitled to one Senator and two Assemblymen.

## CHINESE IMMIGRATION.

The increased volume of Chinese immigration in the past year has excited unusual attention. Those who are so far removed from us as to form their opinions on this subject from general principles rather



than from the special facts, and many persons here who are not brought in competition with Chinese labor, but are benefited by its cheapness, have often indulged in harsh criticisms upon the prevailing sentiment of this State in regard to Chinese immigration. Upon this subject I beg to repeat substantially what I have before said. The Chinese immigration constitutes a marked class, a distinctive element of society. We cannot be blind to the fact that China, with a population of more than three hundred millions, is as near to us practically as New York, and may send here such a volume of immigration as would modify our society and substantially change the relations of capital to labor. That modification would not be such as we desire in American civilization; that change would not be in the interest of free labor. The labor of the Chinese who come here is cheap, because in the mass they have no families to support, no children to educate, and are free from the wants which differentiate our civilization from theirs; and in order to successfully compete with them in price, other laborers would be compelled to reduce themselves to the same conditions.

Besides these considerations, the presence of a large population in our midst to whom we are unwilling to accord equality of political rights, establishes, to that extent, a system of caste, and is at variance with the genius of our institutions.

I believe the general sentiment of the people of the State will concur in the view, that, while the Chinese who are here, or who may come under the stipulations of our treaty, should be protected from violence and persecution, the General Government should call for such a readjustment of the treaty as will restrain their further immigration.

#### FENCING LAND.

The respective rights and duties of the owners of land and the owners of cattle, in regard to fences, has been the subject of so much discussion there is no occasion to advert to it at length. The counties, I believe, where a "no fence law" is in force, are, without exception, satisfied with its operation; and their experience demonstrates that the best interests of the State would be promoted by the enactment of a general law for the protection of growing crops against trespassing animals.

#### IRRIGATION.

The subject of irrigation is of the highest importance to the State, and will demand your careful and laborious consideration. Under the operation of the laws of the State, a large portion of its inland waters available for purposes of irrigation have passed under private control. This right of control has been acquired simply by appropriation, and although the law requires such appropriation to be for some useful or beneficial purpose, the terms are so broad—any useful or beneficial purpose fulfilling the definition—and the legal means of determining what is useful and beneficial within the meaning of the law, so defective, that the control is practically absolute, and will be regulated only by the self-interest, more or less enlightened, of the appropriators. It is in their power to carry the waters appropriated over one arid district to another, to make their own prices, to discriminate in prices and between owners of lands. In many districts in this State the control of the waters necessary for irrigation is of as great value as the lands to

be irrigated, and its exercise, unrestricted by law, may result in most onerous conditions to the cultivators of the soil.

The inland waters of the State ought to be the property of the State and subject to its control, and no interest or rights should be conceded in them except upon such terms as would insure their equitable use for a public benefit.

Our present laws grew up from the immediate necessities of mining, and were to some extent justified by the hazards of mining enterprises, the impossibility of determining in advance the value of a mine, or the amount of water its working would require. Privileges were granted to compensate risks. The agricultural development of the State presents different conditions and demands new legislation. By Act of Congress, approved July twenty-sixth, eighteen hundred and sixty-six, it is provided: "That whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and decisions of Courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes aforesaid is hereby acknowledged and confirmed." Under this enactment it would be competent for the State to amend the laws under which "vested rights" can be acquired, but in order to avoid all conflict of legislation, especially in regard to the use of large bodies of water upon public lands, and to prevent such bodies, upon any terms, from passing into private ownership, Congress should be memorialized to grant to the State the control of her inland waters, upon conditions such as will protect navigable streams. Immediate legislation should prevent the further acquisition of rights by private parties to the unrestricted use of the waters of the State.

The question of the proper method of utilizing the waters necessary for purposes of irrigation is one of considerable practical difficulty. I believe, as the best solution, proper steps should be taken to divide the State into irrigation districts, with a view to securing to each acre the right to its pro rata of the water available for the supply of the district in which it is situated. If Congress should be willing to donate lands for the construction of works of irrigation, the donation should be to the State, and the money realized be apportioned among the districts as they construct the necessary works. It would then, too, be in the power of any district, if found advantageous, to negotiate with capitalists to construct works of irrigation upon equal terms; now it is in the power of the owners of water rights to dictate terms.

#### PRESENTATION TO THE STATE.

On August twenty-third, eighteen hundred and seventy-three, I accepted, on behalf of the State, a large and finely executed portrait, in oil, of Manuel Micheltorena, Governor of California from eighteen hundred and forty-two to eighteen hundred and forty-five. The present was the thoughtful and generous act of Samuel J. Bridge, Esq., of the City of San Francisco. The correspondence relating to the gift and its acceptance is filed among the archives of this office, and the portrait is placed in the Senate chamber.



## SUBSIDIES.

At the last session of the Legislature certain counties were exempted from the repeal of the Act known as "The Five Per Cent Act." In each of these excepted counties a majority of the voters are empowered to give one twentieth of the value of all the property in the county to a railroad company. The repeal should be made general. The sentiment upon the question of State and county subsidies has ceased to be a matter of argument, because it has become a public conviction. The public conscience recognizes the wrong of taking the property of one man and giving it to another. The giving of subsidies has proven as vicious in practice as it is erroneous in theory. It furnishes an additional and dangerous incentive to great corporations to control the Government in their own interest, demoralizes legislation, and makes law not a common guardian but a partial patron. In the end it defeats its own ostensible object by giving favored corporations such powerful advantages as to enable them to monopolize the fields of enterprise and prevent the competition which would naturally arise.

## FREIGHTS AND FARES.

Perhaps the question of regulating the rates of railroad transportation has been clouded by unnecessary difficulty. Railroads are public highways in private ownership. In their construction they invoke the highest attribute of the State's sovereignty—the right of taking private property for public use. Their owners are common carriers with special privileges. If the State has not the power to regulate their charges, she may renounce her claims to sovereignty. The maximum rates in California—ten cents per mile for passengers, and fifteen cents per ton for freight—were fixed at a time when prices and profits were so much higher than now, it seems to belong to a different age. Practically, it is no limitation, affording so wide a margin as to allow a railroad company to discriminate between places, between individuals, to reward friends and punish enemies, and to build up or ruin the business of any man that depends upon railroad transportation. This maximum is not in the nature of a legislative contract, or vested right, the Constitution reserving to the Legislature the right to alter or repeal the laws under which corporations are created.

These things should be kept in view in establishing rates: There should be a fair compensation. Discrimination between individuals should be prevented by penalties. Discrimination between places should be prevented by prohibiting a railroad from charging a higher price over any portion of the road than is charged for the same or a shorter distance of similar or heavier grades in any other portion. The rates and classification should be published and posted up at all depots, as the owners of toll bridges and ferries are compelled to post their rates; and public notice should be given of any contemplated change. Any express or transportation company should be entitled to the same terms, for the same business, in speed and price, as any other. If a fair maximum is established, and uniformity between individuals and over distances and grades is compelled by penalties, the question of classification may be in a great measure determined by the necessities of business. It may not prove necessary for the law to schedule articles in classes. Maximum rates can be fixed for as many classes as are required, and the companies

can make and publish the schedules of each class. It easily suggests itself that the result of such legislation may possibly be one schedule, one class, and the maximum rate for every article transported. I do not think so. But if the experience of the ensuing two years should demonstrate that railroad companies, with fair opportunities to construct and operate a just tariff of rates of transportation, failing to recognize lessons already taught, and pursuing an established policy of strong-handed defiance, have neglected or refused to perform their duties, the next Legislature, exercising the strong and undoubted powers of government, can reach them and their operations in minute detail, forbid free passes, schedule every article of freight, establish minimum as well as maximum rates, prohibit the consolidation of competing lines, permit them to own no land not necessary for their actual use, forbid officers or employees to furnish supplies to the corporations, regulate their systems of accounts, and compel them by clear enactments to recognize their true position, their real obligations, and their prescribed privileges. No law is perfect. Under the operation of the wisest some cases of hardship and inconvenience may occur. That is the best which aims at substantial justice. There is no local competition between railroads; there is but one best route between two points. Besides, in railroads capital does not compete—it combines. Not to compel fairness and uniformity by law is to tolerate the abuses and oppressions of arbitrary power.

#### RIGHTS OF PASSENGERS.

Many of the rules of common law in regard to the rights and duties of common carriers were established under conditions very different from those induced by the construction of railroads. The nature of a contract between a railroad company and the purchaser of a ticket; the length of time for which the ticket is good; and the right of a passenger holding a through ticket to stop over at intermediate points, should not be left to the varying constructions of Courts, and the analogies of stages on post-routes, but should be clearly defined by statute.

#### YERBA BUENA ISLAND.

By an Act to provide for the Terminal Central Pacific Railway Company, approved March twenty-eight, eighteen hundred and sixty-eight, the State granted to that company certain submerged and tide lands in the Bay of San Francisco, northwest of and adjacent to the Island of Yerba Buena, upon condition that the company should pay the State a sum to be ascertained by appraisement, and, also, commence the improvement of said premises within one year from the date of their acceptance; within two years, expend on such improvements not less than one hundred thousand dollars; and, within four years after the filing of the acceptance, have constructed and put in full running order a first class rail and ferry communication, according to the provisions of its articles of incorporation, between the City of San Francisco, the premises described, Oakland, and Vallejo. A supplemental Act, approved March thirty-first, eighteen hundred and seventy, extended the time mentioned two years. On September twentieth, eighteen hundred and sixty-eight, the company filed their acceptance and paid into the Treasury the sum of twelve thousand dollars, the amount of the appraisement. No improvements of any nature have been made. I do not think the State

should hold the money received, but provision should be made for its repayment to the proper parties.

#### POSSIBILITY OF WAR.

The recent difficulties between the Government of the United States and that of Spain, involve questions of fact and of international law so grave, complicated, and delicate, that I only feel called upon to say I earnestly trust they may be honorably adjusted without an appeal to arms. If war is the last resort of kings, it should more truly be the last resort of republics. History is already too full of bloody chapters, and a war between the strongest republic in the world and a nation endeavoring to organize a republican government under unexampled difficulties, could not fail to retard the cause of popular liberty.

NEWTON BOOTH,  
Governor.





APPENDIX TO GOVERNOR'S MESSAGE.



**LIST OF PARDONS FROM STATE PRISON,  
GRANTED BY GOVERNOR BOOTH,**

*From January 3d, 1872, to October 31st, 1873, inclusive.*

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Alex. Walker.....	San Francisco.	Robbery.....	July, 1870.....	Twenty-one years

**DECISION.**—Whereas, the said Alex. Walker is dying, and is so nearly dead with consumption as to preclude the possibility of his regaining his health, or of living for many days; and the Sisters of St. Mary's Hospital have offered and agreed to receive him and give him the care and comfort which his condition requires. January third, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Augustus Kramer..	San Francisco.	Burglary .....	July, 1870.....	Seven years.

**\* DECISION.**—Whereas, the Judge of the Court wherein he was convicted and sentenced, and all of the jurors by whom he was tried, have petitioned for his pardon, and notice of intention to apply for his pardon has been regularly and widely published without eliciting remonstrance against it from any source; and, whereas, Mark Meyer, a State prisoner, conjointly with whom he was tried and convicted of said crime, did, upon his deathbed, declare the said Augustus Kramer to have been innocent of any complicity in said burglary. January thirtieth, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
T. K. Hays.....	Tehama .....	Manslaughter .....	February, 1870...	Six years.

**\* DECISION.**—Whereas, notice of intention to apply for his pardon, duly published and presented to the officers of the said Court, has elicited no objections or remonstrance from any source; and it appears from letters and petitions presented on behalf of said T. K. Hays by many citizens of prominence and of known integrity, that his release from confinement would be fully consistent with justice, and would relieve the distress of a worthy family; and a majority of the jurors—all now remaining in the county—in the case, and all the officers of Tehama county have petitioned for his pardon. February second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Robert Ridley.....	Sacramento....	Burglary.....	July, 1870.....	Five years.

DECISION.—Whereas, notice of intention to apply for his pardon has been duly published without eliciting remonstrance from any person; and it appears from the testimony given at the trial, and from communications presented by the Judge of the Court wherein he was tried and convicted, and the District Attorney who prosecuted the case, that the said Robert Ridley was not guilty of the crime of which he was convicted and for which he is now imprisoned. February second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Henry Brown.....	Sacramento....	Murder 2d degree.	February, 1870...	Ten years.

DECISION.—Whereas, the said Henry Brown now lies at the point of death, in the hospital at the State Prison, and the Sisters of St. Mary's Hospital have offered and agreed to receive him and give him the care and attention his condition requires. February nineteenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frederick Back.....	Alameda.....	Grand larceny.....	January, 1870.....	Two and one half years.

\* DECISION.—Whereas, the said prisoner would be discharged from custody by operation of law on the first day of March, eighteen hundred and seventy-two, and there appears to be a reasonable doubt as to his having intentionally committed the crime of which he was convicted. February twentieth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Thomas Martin.....	San Francisco.	Burglary ... ..	February, 1870...	Six years.

DECISION.—Whereas, the prisoner lies in the prison hospital sick, and the physician at the State Prison has sent to me his certificate showing that the disease of the said prisoner is pulmonary consumption, and that he is very low and cannot possibly recover, from which it appears that the pardoning power may be exercised in his behalf without detriment to justice, and mercy may be accorded to him without danger of evil resulting to society, or to the State. February twentieth, eighteen hundred and seventy-two.



Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Michael Rice.....	Santa Cruz.....	Grand larceny.....	September, 1871.	One year.

**\*DECISION.**—Whereas, notice of intention to apply for his pardon has been properly served and duly published, as required by law, and no objection or remonstrance has been received from any source; and a petition has been received praying for his pardon, and setting forth that the sentence was disproportionate to the crime, and that his release from confinement would be a just act, as well as one of mercy to a dependent family; which petition is signed by Judges, jurors, officers, and many citizens of high character and known integrity. March thirteen, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Johnson.....	Mariposa .....	Infamous crime against nature	November, 1869.	Five years.

**DECISION.**—Whereas, notice as required by law, has been duly published, of intention to apply for this pardon, without eliciting remonstrance or objection from any source; and it appears from the petition, and the statements of citizens of intelligence and recognized integrity of character, that there are grave doubts as to the actual guilt of the prisoner, who was convicted upon the testimony, mainly, of one prosecuting witness. March twenty-fifth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Austin Smith.....	Yuba .....	Grand larceny.....	January, 1870.....	Three years.

**\*DECISION.**—Whereas, the prisoner has now been imprisoned for more than two years, and the Judge who sentenced him has petitioned for his pardon, and such pardon is asked for by citizens of good character and reputation, who are cognizant of the facts and circumstances of the case; and the prisoner's mother now lies at the point of death and cannot recover. April first, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Michael Frender...	Alameda.....	Murder 2d degree.	June, 1871.....	Fifteen years.

**\*DECISION.**—Whereas, notice of intention to apply for this pardon has been duly published and served according to law, without eliciting remonstrance or objection from any source; and a petition praying for his pardon has been signed by several hundred citizens of good character and intelligence, who vouch for the prisoner's having been, by reason of imbecility of mind, rather the victim of misfortune than the intentional author of crime; and the Legislature, by a majority of both Houses, has recommended him as a proper subject for executive clemency; and it appears, from all the facts in the case, that such pardon would be just and proper. April second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Francisco Soto.....	San Joaquin..	Grand larceny.....	May, 1871 .....	One year.

**\*DECISION.**—Whereas, there remain but a few days of the said term unexpired, and the prisoner would soon be set at liberty by operation of law; and it appearing to my satisfaction that his evidence is material, and is urgently required, in a criminal case now pending. April ninth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John M. May.....	Yolo.....	Kidnaping.....	January, 1870....	Four years.

**\*DECISION.**—Whereas, the Legislature of this State did, at its nineteenth session, by a majority vote of both Houses, recommend that he be pardoned; and it appears from a careful examination and consideration of the circumstances of the case, that such recommendation is well founded. April ninth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
James Tivis.....	Colusa.....	Murder, first degree.....	January, 1868....	Thirty years.

**\*DECISION.**—Whereas, the Legislature of the State of California, at the nineteenth session thereof, did, by a majority vote of both Houses, recommend him as a prisoner entitled to be restored to liberty; and the said recommendation is sustained and strengthened by examination into facts, and consideration of circumstances connected with the crime committed by the prisoner. April ninth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Charles Schmidt...	San Francisco.	Grand larceny.....	August, 1870.....	Three and a half years.

**\*DECISION.**—Whereas, notice of intention to apply for his pardon has been duly and widely published, in accordance with law, without eliciting any objection thereto; and it appears from the written statements and petitions of Judge Delos Luke, who presided at his trial and sentenced him; the District Attorney who prosecuted him, and the jurors who tried and convicted him, that there are grave doubts concerning his actual guilt; and his pardon is recommended by well known citizens of good character, who are familiar with the circumstances of the case. April tenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Robert Francis.....	Plumas.....	Murder 2d degree.	May, 1869.....	Fifteen years.

**\*DECISION.**—Whereas, the Legislature of the State of California, at its nineteenth session, by a majority vote of both Houses, recommended his pardon; and a careful examination of the testimony taken at the trial which resulted in his conviction, shows the legislative recommendation to have been well founded. April tenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Louis Antonio .....	Calaveras.....	Grand larceny....	July, 1863 .. .....	Fourteen years.

**\*DECISION.**—Whereas, the term of imprisonment was unusually long, and the prisoner has now been confined for nine years, and it appears conclusively that the interests of society do not require or demand his further punishment, and the Legislature of this State, by a majority vote of both Houses at its recent session, has recommended his pardon. April tenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frank Steinman....	Placer .....	Murder 2d degree.	May, 1867 .....	Twenty-five yrs.

**\*DECISION.**—Whereas, the conduct of the said prisoner has been uniformly good during the five years which he has been incarcerated, and his further imprisonment, in the opinion of those who are best qualified to judge, would benefit or protect neither the prisoner nor the State; and the Legislature, at its nineteenth session, recommended by a majority vote of both Houses, that he be pardoned. April tenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
George O'Connor...	San Francisco.	Manslaughter .....	December, 1870.	Ten years.

**\*DECISION.**—Whereas, notice of intention to apply for this pardon, duly published and served as required by statute, has not elicited objection thereto of any nature; and the petitions of many well known citizens of good character and standing in the community, and of the jurors by whom he was tried, show that this pardon may be justly granted; and the Legislature, by a majority vote of both Houses, at its nineteenth session, recommended his pardon. April eleventh, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Kate Murphy .....	Sonoma .....	Arson .....	January, 1871 ...	Five years.

\*DECISION.—Whereas, the punishment already inflicted upon the prisoner is apparently sufficient, considered as a reformatory measure, to answer the intended purpose of the sentence; and the Legislature of California, at its recent session, by a majority vote of both Houses, recommended her pardon. April eleventh, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frank Hendry.....	San Francisco.	Grand larceny ....	December, 1871..	Five and one half years.

\*DECISION.—Whereas, notice of intention to apply for his pardon has been duly and widely published, in accordance with law, and no one has remonstrated against, nor objected to, the granting thereof; and the conduct of the prisoner has been uniformly good; and it appears, from a careful examination and consideration of the circumstances of the case and of the evidence upon which he was convicted, that there are grave doubts as to the guilt of the prisoner; and it appearing to me that he may be released from confinement without violating the spirit of justice, and without danger to the State or to society. April eleventh, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Alex. P. Manor.....	Yolo.....	Burglary .....	January, 1870.....	Five years.

DECISION.—Whereas, the Legislature of the State of California, by a majority vote of both Houses, at its nineteenth session, recommended his pardon, and such recommendation is made by other citizens entitled to credence and consideration. April sixteenth, eighteen hundred and seventy-two. (The condition of this pardon is that he departs from the State prior to the tenth day of May next, never to return.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frank Smith.....	Yuba.....	Burglary .....	February, 1861...	Fourteen years.

\*DECISION.—Whereas, the prisoner's term of punishment, during which he has conducted himself with such propriety as to merit and gain the approbation of the prison officers, has now nearly expired, and the Legislature of this State, at its nineteenth session, by a majority vote of both Houses, recommended his pardon. April twenty-sixth, eighteen hundred and seventy-two. (Future conviction to render pardon void.)



Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Ramon Alvitre.....	Los Angeles...	Grand larceny .....	November, 1863..	Twelve years.

\*DECISION.—Whereas, notice of intention to apply for this pardon has been duly published, and no objection or remonstrance has been presented; and the term of sentence was excessive; and the conduct of the prisoner has been uniformly good; and the Legislature of this State, at its nineteenth session, by a majority vote of both Houses, recommended his pardon. April twenty-sixth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Lucio Alvitre.....	Los Angeles...	Grand larceny .....	November, 1863..	Twelve years.

\*DECISION.—Whereas, the sentence was disproportionate to the crime; and the prisoner's conduct has been uniformly good; and the Legislature, at its nineteenth session, by a majority vote of both Houses, recommended that he be pardoned. April twenty-sixth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
N. J. Thompson....	Humboldt.....	Assault with deadly weapon.....	September, 1871.	One year.

\*DECISION.—Whereas, the Legislature of the State of California, at its nineteenth session, by a majority vote of both Houses, recommended that he be pardoned, which recommendation appears to me to be well founded and justified by the circumstances and facts of the case. April twenty-sixth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
George Thompson.	Yuba.....	Burglary and arson .....	January, 1871....	Three years.

DECISION.—Whereas, the Legislature of the State of California, at its nineteenth session, by a majority vote of both Houses, recommended that he be pardoned; and he being but a mere boy, only fifteen years old, when the crime was committed, the punishment he has already received has fully satisfied the ends of justice. April twenty-sixth, eighteen hundred and seventy-two.



Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frank Welsh.....	San Francisco.	Robbery .....	September, 1870.	Five years.

DECISION.—Whereas, the conduct of the prisoner has been uniformly good during his confinement, and there has been presented to me a petition, praying for his release, signed by the Judge of the Court wherein he was convicted, by the District Attorney who prosecuted the case, and by a majority of the jurors who found the verdict, and expressing doubts as to the justice of the conviction; and it appears that the prisoner is a boy, and has, in any event, been sufficiently punished. April twenty-sixth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
José Gonzales.....	Colusa.....	Manslaughter .....	January, 1867....	Eight years.

DECISION.—Whereas, the Legislature of this State, by a majority vote of both Houses, at its nineteenth session, recommended his pardon; and petitions, signed by many citizens of good character, have been presented to me in support of such recommendation. April twenty-sixth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
D. C. Parks.....	Calaveras .....	Grand larceny.....	January, 1864....	Ten years.

\*DECISION.—Whereas, the Legislature of this State, at its nineteenth session, by a majority vote of both Houses, recommended his pardon; and his conduct has been uniformly good during his imprisonment, and has gained for him, under operation of law, credits in days that would release him during the coming month. April twenty-ninth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
James Phipps.....	El Dorado.....	Arson.....	September, 1870.	Six years.

DECISION.—Whereas, it appears by the statements of a number of persons, in whom I have confidence, and by the affidavits of trustworthy citizens, including the sworn certificates of two physicians, in good standing, that the further confinement of the said prisoner is likely to result in the confirmed insanity or death of his daughter; and in view of this fact the Judge before whom he was tried, and the attorney who prosecuted the case, have personally solicited his pardon. May fourth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Henry Doty.....	Yolo.....	Grand larceny.....	January, 1870.....	Three years.

\*DECISION.—Whereas, the Legislature of the State of California, at its nineteenth session, by a majority vote of both Houses, recommended his pardon; and it appears from an examination into the circumstances of the case and the facts relating to his conviction, that such recommendation is just and well founded. May tenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Chirong..	Alameda.....	Grand larceny, etc.	January, 1872.....	Two years.

\*DECISION.—Whereas, notice of intention to apply for this pardon has been duly published and served without resulting in protest or remonstrance; and the said prisoner is only seventeen years of age, and is a helpless cripple; and the prisoner's father is now in this State, having come from the State of New York for the purpose of taking his son away with him; and this pardon is petitioned for by citizens and officers in the said County of Alameda, of high character, who are familiar with the circumstances of the case. May twenty-first, eighteen hundred and seventy-two. (Pardon granted on condition that he depart from this State prior to tenth day of June, and never return.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
W. T. Gassoway...	Butte... ..	Robbery .....	October, 1864.....	Ten years.

\*DECISION.—Whereas, the conduct of the said W. T. Gassoway has been uniformly good during his long confinement, which would soon terminate now by operation of law; and a careful examination and consideration of the circumstances of his case; of the petitions for his release; of the pardon granted to his associate and accomplice; and especially of his reformation; leads me to believe that he may now be restored to liberty with advantage to himself and without danger of injury to others. May twenty-second, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Jas. F. Shuler.....	Butte.....	Robbery .....	October, 1864.....	Ten years.

\*DECISION.—Whereas, the conduct of the prisoner has been uniformly good during his long confinement, and his punishment has been great enough; and the Legislature of this State, at its nineteenth session, by a majority vote of both Houses, recommended his pardon; and petitions, signed by many citizens of this State and by well known citizens of the

State of Georgia, praying for his release, have been presented to me. May twenty-second, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Thomas Corcoran..	Sacramento.	Arson, second degree.....	January, 1871....	Two years.

\*DECISION.—Whereas, the prisoner has now been confined for the greater part of said term of sentence, and has conducted himself, during the time, with uniform propriety; and the Legislature, at its nineteenth session, by a majority vote of both Houses, recommended his pardon, which has also been petitioned for by the Judge who sentenced him; by the Sheriff, the District Attorney, and other county officers; by the foreman and others of the Grand Jury which indicted him, and by other citizens; and it appears that his was the crime of an accomplice, and that he may now be released without danger to the State. May twenty-second, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Jackson.....	San Joaquin...	Grand larceny...	July, 1866.....	Ten years.

\*DECISION.—Whereas, notice of intention to apply for his pardon was duly published and served, and no protest against it has been received; and the Legislature of this State, at its nineteenth session, by a majority vote of both Houses, recommended his pardon; and I am satisfied that the prisoner has been punished sufficiently by his incarceration of now nearly six years, and is reformed. May twenty-second, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Benson.....	Calaveras .....	Assault to rape....	December, 1870...	Two years.

\*DECISION.—Whereas, notice of intention to apply for his pardon has been duly served and published, and no protest or remonstrance against it has been filed; and the Legislature of this State, at its nineteenth session, by a majority vote of both Houses, recommended his pardon, and there are strong probabilities of his innocence of the crime he was convicted of, while his punishment for such offense as he did commit has already been ample and sufficient. May twenty-second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Charles Denman...	Sacramento....	Arson 1st degree.	May, 1862.....	Fifteen years.

**\*DECISION.**—Whereas, during his imprisonment, for ten years past, his conduct has been uniformly good, and there exists no reasonable doubt as to his having been sufficiently punished and thoroughly reformed; and the Legislature, at its nineteenth session, by a majority vote of both Houses, recommended his pardon; which recommendation is supported by letters and petitions from citizens of known integrity and judgment. May twenty-second, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Polimnio (Indian)...	Calaveras .....	Murder 2d degree.	January, 1864.....	Life.

**\*DECISION.**—Whereas, the said Indian, being intoxicated at the time, was measurably a victim of the unlawful acts of civilized men, as well as a criminal by reason of his deficient moral training; and it appears conclusively to my mind that, justice having now been vindicated by his long incarceration, his further confinement would neither benefit himself nor profit the State, and is not necessary as a protection to society; and the Legislature of this State, by a majority vote of both Houses, at its nineteenth session, recommended his pardon. May twenty-second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Chs. Wieland.....	San Francisco.	Assault with int'nt to rob.....	September, 1870..	Four years.

**\*DECISION.**—Whereas, notice of intention to apply for this pardon has been duly published and served, and neither protest nor remonstrance has resulted; and it appears from a careful consideration of the testimony and circumstances relating to his conviction, that he was perhaps an accidental and innocent associate of actual robbers, instead of being an intentional criminal; and his conduct during his imprisonment has been uniformly good. May twenty-ninth, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Tim'y McCarthy...	San Francisco.	Robbery.....	November, 1870.	Two years.

**\*DECISION.**—Whereas, notice of intention to apply for this pardon has been duly published and served without eliciting any remonstrance; and it appears from letters, statements, and petitions from the Judge who tried and sentenced him, and from others, that there exists a serious doubt as to whether or not he was convicted upon false testimony, and is not actually innocent of the recited crime; and the conduct of the said prisoner has been uniformly good during his incarceration. May twenty-ninth, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)



Name of Prisoner.	County.	Crime.	Sentenced.	Term.
H. B. Manner.....	Sacramento...	Grand larceny.....	January, 1870....	Eight years.

\*DECISION.—Whereas, the Judge before whom he was tried and by whom he was sentenced, has petitioned for his pardon, for the reason that at the time of pronouncing his sentence the said Judge was informed and believed that the prisoner had already been an inmate of the State Prison, and in consequence of such belief imposed a severe sentence; which information was untrue. And, whereas, the prisoner, conducting himself properly and well the while, has now been sufficiently punished, and notice of intended application for his pardon has been duly published without eliciting remonstrance from any source. June tenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
B. F. Hawkins ....	El Dorado.....	Grand larceny and burglary .....	April, 1867 .....	Seven years.

\*DECISION.—Whereas, notice of intention to apply for his pardon has been published, as required by law, and has elicited neither objection nor remonstrance from any source; and it appears, from letters and petitions received by me, that grave doubts exist as to his being guilty of the second recited crime—the prosecuting witness having made affidavit to his belief in his innocence; and the prisoner's term, his conduct having been good the while, has now nearly expired, and he has been more than sufficiently punished for the crime he did commit. August second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Robert Jones .....	Alameda.....	Robbery .....	January, 1864 ....	Fifteen years.

DECISION.—Whereas, the said prisoner has now served more than eight and one half years of his sentence, and has conducted himself during the time with uniform propriety; and it appears, from the statements of Henry N. Morse, Sheriff of the county wherein he was tried and convicted, and of others who have made intercession for the pardon of the prisoner, that the sentence was disproportionate to the crime, and that the prisoner may be now liberated without violation of justice. August second, eighteen hundred and seventy-two. (The condition of this pardon is that he depart from this State prior to the first day of September, eighteen hundred and seventy-two, and never return.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Yung Toy.....	Shasta .....	Robbery.....	October, 1869.....	Seven years.

DECISION.—Whereas, notice of intention to apply for his pardon has been duly published according to law, without eliciting remonstrance or objection from any source; and



it appears from the statements of those residing in Shasta County, and from petitions for his pardon, that he was innocent of the crime of which he was convicted. August third, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Lawler....	Alpine .....	Embezzlement....	May, 1869.....	Seven years.

\* DECISION.—Whereas, it appears from statements and evidence in my possession, that the prisoner was sentenced after conviction to three years imprisonment, before which sentence was recorded the Court added four years as the penalty for an insult to its dignity; and it appearing to me that the three years which have now been meritoriously served by the prisoner, constitute a sufficient punishment for the embezzlement; and that imprisonment for four years longer would be too great a penalty to inflict for a contempt of Court. August third, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
George Bailey.....	Tulare.....	Felony.....	May, 1872.....	One year.

DECISION.—Whereas, the said Bailey had been examined and discharged by a committing magistrate for the same offense, on the testimony of one Littlefield; that two years thereafter, Littlefield being dead, he was again arrested, tried, and convicted; and it is further made known to me that one John Hilton, a respectable and reliable citizen, states the fact that he was the only living person who could corroborate the evidence to which Littlefield testified; that he did not hear of the trial until after conviction, and that he believes that Bailey was innocent of any intention to commit crime; and it appearing to me that the facts warrant such belief; and, whereas, notice of application for pardon has been duly published eliciting no remonstrance, while a petition praying for his liberty has been numerously signed and indorsed by the leading citizens of said county. August twenty-second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
F. W. Voll.....	San Francisco	Manslaughter.....	June, 1870.....	Eight years.

\* DECISION.—Whereas, pardon was recommended by the Legislature, and has been petitioned for by a large number of respectable citizens of San Francisco, including nine of the jurymen before whom he was tried; and, whereas, the application has been under consideration since the adjournment of the Legislature, and no protest has been filed. It appearing to me, from examination of the record, that said Voll is not a man of depraved heart, and that he committed the crime of which he was convicted under an extraordinary provocation, and under the belief that he was defending himself and family; now, believing that the interests of society do not require his further punishment. August twenty-third, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
F. C. Coffman.....	El Dorado.....	Murder, 2d degree	———, 1864..	Life.

**\* DECISION.**—Whereas, pardon was recommended by the Legislature; the conduct of the prisoner during the eight years of his imprisonment has uniformly been good; being satisfied that he is not a man of depraved disposition, and that the crime he committed was in a paroxysm of jealousy that amounted almost to insanity. August twenty-third, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Jas. McDonald.....	San Francisco.	Robbery .....	September, 1870..	Ten years.

**\* DECISION.**—Whereas, it appears conclusively to my mind that the prisoner was convicted upon testimony that was probably false, and serious doubts exist as to his guilt; the Judge who sentenced him, several of the jurors who found him guilty, and many citizens of undoubted integrity of character having petitioned for his pardon; and no objection or remonstrance there against has been presented to me, although notice of intended application has been duly published; and it appears to me that his pardon would be an act of justice, beneficial rather than injurious to the State. September fourth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Barnet Houseman..	El Dorado.....	Manslaughter.....	March, 1871. ....	Three years.

**\* DECISION.**—Whereas, it appears from a careful examination and consideration of the testimony given at the trial; and from the voluntary statements of citizens of high character and known integrity; and from the petition asking for his pardon; and from the previous good character of the prisoner, sustained to an advanced age, that his further imprisonment and punishment can neither be justly considered reformatory in its nature, nor in any sense a protection to society against probable crime; nor even an example to deter others from committing criminal acts. September twenty-fifth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John S. Cross.....	San Joaquin..	Burglary and Grand larceny.	January, 1871....	Four and a half years.

**\* DECISION.**—Whereas, the law requiring publication of notice of intention to apply for a pardon has been complied with, and neither objection nor remonstrance has resulted; and the prosecuting witness has made personal application, supported by petitions, letters, and statements for his pardon; and it appears that the mitigating circumstances of the crime and his uniform good conduct during his imprisonment entitle the prisoner to consideration now that could not be given to him at the time of his trial and conviction. October eighth, eighteen hundred and seventy-two. (Pardon conditioned on his leaving the State, never to return.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Nich'las Carpenter	El Dorado.....	Manslaughter ....	May, 1870.....	Eight years.

\*DECISION.—Whereas, no remonstrance or objection of any nature has been received by me, although notice of intention to apply for this pardon has been widely published in accordance with law; but, on the contrary, many well known citizens of the said county have asked for his pardon by letter and by petition; and it appears from examination that the crime was the result of misfortune rather than of design, and that the prisoner, who has conducted himself with uniform propriety during his incarceration, has now been sufficiently punished. October fifteenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Toney.....	Colusa .....	Grand larceny....	November, 1865.	Twelve years.

DECISION.—Whereas, he was convicted on two indictments and has now been imprisoned seven years—one year longer than his sentence on the first; and it is shown by the affidavit of B. F. Hawkins, made while in prison, that the second crime was committed by Hawkins and not by Toney; and publication of notice as required by law has been twice made; and petition for this pardon is numerously signed by good citizens, including the Judge who tried, and the District Attorney who prosecuted the case, and the ends of justice are fully satisfied. October sixteenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Eli Hanna .....	Nevada.....	Murder 2d degree.	July, 1868 .....	Twenty-five yrs.

\*DECISION.—Whereas, his pardon was recommended by the Legislature at its recent session, and has been petitioned for and requested by a large number of respectable citizens of Nevada County, including the present District Judge, and the Judge before whom said prisoner was tried; and, being convinced from the statements in said petitions and from other statements made to me by trustworthy persons, that said prisoner had, before the commission of said crime, been a man well behaved in the community, and that there were mitigating circumstances attending the commission of said crime, and, it being made known to me that his longer incarceration will endanger his life. November twenty-eighth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Francis Callahan...	Klamath.....	Assault to murder.	January, 1869....	Seven years.

\*DECISION.—Whereas, the Legislature, at its recent session, recommended his pardon; and upon investigation of the facts, I am convinced that the prisoner is not a man of depraved disposition, but that the crime of which he was convicted was committed under

the influence of jealousy, and while he was in a state of intoxication; and, believing that his imprisonment of nearly four years is a sufficient expiation for the offense. November twenty-eighth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Isaac A. Lyons.....	San Francisco.	Grand larceny.....	July, 1870.....	Five years.

DECISION.—Whereas, application duly advertised and petitioned for by a number of respectable citizens, and no protest having been made against the granting of a pardon, and it being his first offense, and means having been furnished for his return to Australia; this pardon is granted on condition that he leaves the State before the first day of January, A. D. eighteen hundred and seventy-three, and never return. December fourteenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Manuel Cassesas...	San Francisco.	Robbery.....	January, 1871.....	Three and a half years.

DECISION.—Whereas, it is certified to me by a number of respectable citizens that the prosecuting witness (who cannot now be found) has admitted that defendant did not commit the robbery of which he was convicted. December twenty-fourth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Aaron Stanley.....	San Francisco.	Grand larceny.....	November, 1869..	Four and one sixth years.

DECISION.—Whereas, the previous good character of the defendant (who is a British subject) is certified to by H. B. M. Consul; and, whereas, this being his first offense, and the term of his imprisonment having but eight months to run, the punishment is deemed sufficient. December twenty-fourth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Cosmo Machado ...	Calaveras .....	Murder 2d degree.	July, 1862 .....	Fifteen years.

DECISION.—Whereas, said defendant cannot speak the English language, and had no money to employ counsel at his trial; and because I am convinced, from the statements of respectable people of the vicinage, that the crime committed was not of a higher grade than manslaughter, with mitigating circumstances; and said defendant has already served ten years in prison without violating one of its rules, or missing one day's labor, until recently, when his health had become seriously impaired. Believing the law vindicated and the ends of justice satisfied. January ninth, eighteen hundred and seventy-three.



Name of Prisoner.	County.	Crime.	Sentenced.	Term.
E. H. Jarvis.....	Yolo .....	Grand larceny.....	April, 1871.....	Three years.

\*DECISION.—Whereas, notice of intention to apply for his pardon has been duly published and served, in compliance with law, without attracting any attention in the matter of an objection, and I am convinced that this was his first offense; that it was committed under the great temptation of extreme want, and with expectation of making restitution, and that, having served two thirds of the term of his sentence, and conformed strictly to all the rules of the prison, he has been sufficiently punished. January seventeenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Jas. A. Letterman	Contra Costa..	Grand larceny.....	May, 1871.....	Two and a half years.

\*DECISION.—Whereas, the prisoner has only two months to serve, under his sentence, and, from such examination of the facts as I am able to make, I am of opinion that his offense was more the result of ignorance than of criminal intent; and his friends having given notice of intention to apply for his pardon, as required by law, have already provided for him a situation where he can earn an honest living. January seventeenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Monroe Crozier....	Sacramento ....	Murder 2d degree.	February, 1865...	Ten years.

\*DECISION.—Whereas, having now served eight of the ten years of his sentence, and conducted himself with uniform propriety during the entire time, he would be entitled, under the law, to be discharged within a few months; and his friends have secured for him a place where he can earn his living honorably, and have duly published notice of intention to apply for his pardon, no remonstrance against which has been made. Believing that the ends of the law are satisfied, and that it is better for society, as well as for the prisoner, that he should be discharged now, while there is the certainty of his finding honest employment. January twenty-eighth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Dwight Griffin.....	Yolo .....	Robbery & felony.	October, 1871.....	Six years.

\*DECISION.—Whereas, the petition for the pardon of the said Griffin, signed by the County Judge, District Attorney, County Clerk, and many other respectable citizens, sets forth that after conviction of the prisoner his brother, Warren Griffin, confessed that he was guilty of the robbery for which his brother had been convicted, and that said Dwight



Griffin was not concerned in it; pursuant to which confession said Warren was convicted and sentenced to ten years imprisonment. And, whereas, after as careful examination into the facts and circumstances as I am able to give, I agree in the opinion expressed by the petitioners that said Dwight Griffin was not guilty of the robbery, and that the imprisonment he has suffered is, under the circumstances, more than a sufficient atonement for the felony (jail breaking) of which he was convicted. January twentieth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frederick Keller...	Sacramento....	Forgery .....	April, 1872.....	One year.

\*DECISION.—Whereas, the term of his imprisonment would be at an end in a few days, by operation of law, and I believe, from statements made to me by the Judge who sentenced him, and by others, that a lesser penalty would have been severe enough for a greater crime, because neither the forgery nor its utterance was the result of deliberation and sober scheming, but of confusion and recklessness incident to drunkenness; and whereas, the prisoner has friends ready to give him honorable and profitable employment if he be now released. February seventh, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Antonio Garcia.....	Santa Clara...	Manslaughter.....	July, 1868.....	Seven years.

\*DECISION.—Whereas, the prisoner has now served the greater portion of the term of his sentence, and has been credited, under the law, for good conduct, with several months deducted from such term; and I believe his further punishment is not necessary for his reformation, many of the most prominent citizens of Santa Clara County having petitioned for his pardon, on the ground of previous and present good character, and for the reason that he is the sole support of his aged and destitute mother. February eighteenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Moses R. Clark....	Yolo.....	Grand larceny.....	October, 1871.....	Three years.

\*DECISION.—Whereas, a petition signed by numerous respectable citizens of Yolo County, including the Judge who sentenced him, shows that at the time of his conviction he was under eighteen years of age, that three persons were engaged in the larceny—both of the others, one of whom became a witness, and was not prosecuted—being men of mature years; and, whereas, it was the first offense of the prisoner, and the evidence shows that it was the result of the force of circumstances, rather than voluntary guilt; and the prisoner having now served more than half the term of his sentence, the punishment is deemed sufficient. February twenty-first, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Coats.....	Mendocino.....	Manslaughter.....	July, 1872.....	Three years.

\* DECISION.—Whereas, the prisoner is dying of pulmonary consumption, the physician of the prison having certified to me that he is prostrated and cannot live long either in or out of prison, and it seems to be plainly true that the granting of the petition of many citizens of Mendocino County, for his release, is simply an executive exercise of the "quality of mercy," and of common humanity, the privilege of dying among friends being one which may be accorded to a criminal without subverting justice or endangering society. March third, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Daniel Flores.....	San Francisco.	Robbery.....	January, 1871....	Three and a half years.

\* DECISION.—Whereas, the prisoner is a Chilese, who speaks English very imperfectly, is poor, and at the time of his trial was almost friendless. And, from an examination of the papers in this case, and in the case of Miguel Cassenas, who was tried for the same offense, I have great doubts as to whether the prisoner committed the robbery of which he was convicted. March thirty-first, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Geo. Rosenbaum..	Yuba.....	Assault with deadly weapon.....	April, 1872.....	Two years.

\* DECISION.—Whereas, the prisoner having pleaded guilty to two indictments, was sentenced to prison for one year on each charge, and it seems to be doubtful if a conviction could have been obtained on the second charge if a trial had taken place; and the term of his sentence upon the first charge has been fully served out. And public notice of intention to apply for his pardon has been given, without eliciting any objection; while many of the residents of Marysville, including the Judge who sentenced him, the Sheriff of Yuba County and his deputies, the Judge of the Tenth Judicial District, and especially the prisoner's destitute wife and children, have petitioned for his pardon, which appears to me to be an act of probable justice to the guilty, and of certain humanity to the innocent. April twenty-first, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Daniel Newman...	Los Angeles..	Manslaughter .....	November, 1870..	Four years.

\* DECISION.—Whereas, the Judge who sentenced him, the jurors by whom he was tried, and the attorneys who prosecuted the case, together with a large number of other citizens of Los Angeles County, have petitioned for his pardon, notice of an intention to apply for

which has been widely published without eliciting objection or remonstrance; and from a consideration of the aggravated character of the offence in the circumstances where it is fixed, and of the conduct of the felon, the punishment he has now suffered appears to be sufficient. May nine, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Oscar Cohn.....	San Francisco.	Grand larceny.....	January, 1870.....	Six years.

\* **DECISION.**—Whereas, the prisoner received a sentence as severe as to be disproportionate to the crime he committed, and of such unpopularity objection that both the District Attorney, and the Judge who sentenced him, have joined with others in petitioning for his release and as his term is extended to a later date and four months is a cripple, and deserves consideration for his good conduct at the prison, his earliest reformation, and his simple punishment. May thirteenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
A. J. Shaw.....	Sonoma.....	Bigamy.....	July, 1872.....	Two and one half years.

\* **DECISION.**—Whereas, it appears from the certificate of the physician at the prison that the prisoner is an inmate of the hospital there, is paralyzed, and is perfectly hopeless; and is therefore beyond the reach of reformation by prison discipline, or of punishment by confinement at labor; and charitable persons have offered to remove, support, and properly care for him, without expense to the State or to the local government. May twenty-first, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Henry W. Rankin.	San Diego....	Robbery.....	September, 1870.	Eight years.

\* **DECISION.**—Whereas, the statements of the Judge who sentenced him, and of disinterested persons who have given the case special attention, create grave doubts of the prisoner's guilt; and such doubts are strengthened by the exemplary conduct of the prisoner, by his important character, and especially by the sworn statement of Edward Healy (recently discharged from San Quentin at the expiration of the term of his sentence for this same robbery) who declares on oath that Rankin is innocent of the crime. June tenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
M. H. Gough.....	Solano.....	Grand larceny....	August, 1872.....	Two years.

**\*DECISION.**—Whereas, an examination of the circumstances attending the case shows that the guilt was mitigated, and that the term which the prisoner has now served would have and has been punishment sufficient for the crime; and his pardon has therefore been petitioned for by the Judge who sentenced him, by the District Attorney who prosecuted the case, by the victim of his guilt, and by most of the officers and many of the prominent citizens of Solano County. August eighteenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Daly.....	San Francisco.	Buggery .....	December, 1872.	Five years.

**DECISION.**—Whereas, the prisoner was at the date of his conviction a boy seventeen years old, ignorant rather than criminal, and probably not aware of the grave nature of his offense, and the Judge before whom he was tried, having been compelled by the verdict and by law to impose the severe sentence, being allowed by statute no discretion in the premises, has set forth in writing the facts elicited at the trial, and has petitioned for his pardon; in which petition the District Attorney and many other citizens of San Francisco have joined; and it appears to me that a conditional pardon may be of great benefit to the boy, without injury to public interests. He is discharged upon condition that he leaves the State prior to December one, eighteen hundred and seventy-three, and does not return prior to December one, eighteen hundred and seventy-seven. September eleventh, eighteen hundred and seventy-three. (Pardon on condition he depart from this State prior to December one, eighteen hundred and seventy-three, not to return till eighteen hundred and seventy-seven.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Horn.....	Butte... ..	Grand larceny....	July, 1872.....	Five years.

**\*DECISION.**—Whereas, the prisoner cannot live long, the physician at the Prison having certified that he is dangerously ill; that his complaint is chronic and tends to consumption; and that he has lost one eye and is in immediate danger of becoming totally blind. And whereas, friends of the prisoner and his suffering family have agreed to care for him and procure the services of a skillful oculist to relieve him. October fourth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Poole.....	Sonoma.....	Grand larceny and robbery.	January, 1870....	Ten years.

**\*DECISION.**—Whereas, publication has been duly made according to law of notice of intention to apply for his pardon, and no objection or remonstrance has been received from any source; but on the contrary, a petition for his pardon, very numerously signed and setting forth that the prisoner is young and was convicted on the testimony of an accomplice, has been presented to me; and the Judge before whom he was tried, and the District Attorney who prosecuted him, have written letters asking for his pardon on the ground that the punishment already inflicted is sufficient. October seventh, eighteen hundred and seventy-three. (Future conviction to render this pardon void.)



Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Thomas Eckholm..	El Dorado.....	Murder 2d degree	May, 1864.....	Life.

\*DECISION.—Whereas, the Legislature of this State, at its nineteenth session, recommended his pardon, and a petition therefor has been numerously signed by persons living in the neighborhood of the scene of his crime, and no protest has been received. And it is shown to my satisfaction that the crime was committed without deliberation; and the prisoner, now sixty-six years old, during his incarceration of nearly ten years has never violated any regulation of the Prison, but has conducted himself so as to receive the especial commendation of the officers in charge. October thirty-first, eighteen hundred and seventy-three.

NOTE.—Those marked (\*) have been restored to citizenship.

## LIST OF PARDONS FROM COUNTY JAILS,

GRANTED BY GOVERNOR NEWTON BOOTH,

*From December 21st, 1871, to October 31st, 1873, inclusive.*

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Andrew Dutel.....	San Francisco.	Assault and battery.....	April, 1871.....	Fifty days, or fine of \$100.

DECISION.—Whereas, communications have been received from the Judge who sentenced him, and from prominent and worthy citizens in San Francisco, recommending that he be pardoned; and the certificate of G. O. Oliveira, a competent physician, shows that said Andrew Dutel has been nearly totally blind for five months, and that confinement in prison would be dangerous to the sight that remains to him, and to his life. December twenty-first, one thousand eight hundred and seventy-one.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Houston..	San Francisco.	Assault with deadly weapon.....	September, 1871..	250 days, or fine of \$500.

DECISION.—Whereas, the Judge of the Court wherein he was tried and convicted has petitioned for his pardon and release from confinement, on the ground that the sentence was disproportionate to the offense committed, and that his punishment has already been sufficiently severe, considering the facts established at the trial; in which petition the officers of the Court who were present, and the District Attorney who prosecuted the case, have joined. January ninth, one thousand eight hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Vicente Abulos....	San Francisco.	Obtaining money under false pretenses.....	March, 1871.....	One year.

DECISION.—Whereas, the said prisoner was confined in jail for two months while awaiting trial, and has been imprisoned nearly eleven months since his conviction; and his conduct has been such, as certified by the prison officers, that, if he had been in the State Prison instead of the County Jail, he would have been released by operation of law a month ago; and the sentence appears to have been disproportionate to the offense, and this

pardon is asked for by the prison officers, and by others of good character and standing in the community. April fourth, eighteen hundred and seventy-two. (Future conviction of any criminal offense to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Nathan Cameron...	San Francisco.	Misdemeanor .....	February, 1872...	One year or fine of \$1,000.

DECISION.—Whereas, the Judge of the said Court before whom the prisoner was tried, and by whom he was sentenced, now petitions for his discharge from custody, and submits for executive consideration, in support of such recommendation and request, a statement of facts and circumstances relating to the conviction and sentence, and warranting the conclusion that the prisoner has already received due and exemplary punishment, and may be justly restored to liberty; and whereas, a number of citizens of high character—residents of said city and county—have likewise petitioned for the release of the said prisoner. May second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Thomas Hamilton.	San Francisco.	Misdemeanor.....	February, 1872...	One year or fine of \$750.

DECISION.—Whereas, the Judge of the said Court before whom the prisoner was tried, and by whom he was sentenced, now petitions for his discharge from custody, and submits for executive consideration, in support of such recommendation and request, a statement of facts and circumstances relating to the conviction and sentence, and warranting the conclusion that the prisoner has already received due and exemplary punishment, and may be justly restored to liberty; and whereas, a number of citizens of high character—residents of said city and county—have likewise petitioned for the release of the said prisoner. May second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Robert Magness.....	Napa.....	Misdemeanor.....	April, 1872.....	Ninety days.

DECISION.—Whereas, it appears from a petition for his release from confinement, signed by citizens of high character, that the prisoner has now been confined in jail for about six weeks, and has been already more than sufficiently punished for his offense, which said offense was the result of indiscretion rather than of intent. May eighteenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Michael Hughes....	Solano.....	Resisting an officer.	August, 1872.....	Six months or fine of \$150.

DECISION.—Whereas, the prisoner was summoned for jury duty in a Justice's Court, and, being then under the influence of intoxicating liquor, did not understand the summons, and defaulted; whereupon an attachment for contempt was issued against him, under which he was arrested, while yet intoxicated, and while in custody resisted the officer; and it appears from the petition for his pardon, signed by the Judge who sentenced him, the committing magistrate, and other officers of Solano County, that the prisoner is well known to be an honest and industrious man. November seventh, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
A. G. Caldwell.....	San Francisco.	Petit larceny.....	September, 1872..	Six months.

DECISION.—Whereas, petition for his pardon has been presented to me, showing that, in the opinions of those whose positions qualify them to judge correctly, the prisoner ought to be now released, in order to enable him to provide for helpless ones dependent upon his exertions for their support, which petition is signed by the Mayor, the Chief of Police, and several Police Captains, as well as by a number of other well known citizens of San Francisco; and, believing from representations made that said prisoner is not a hardened offender, and that his further imprisonment is not necessary for the good of society, or to satisfy the ends of justice. November eleventh, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Geo. D'Arcy Armstrong .....	San Francisco.	Misdemeanor.....	August, 1872.....	Six months.

DECISION.—Whereas, the prisoner was convicted on four charges of misdemeanor, and sentenced to three months imprisonment on the first charge, and to imprisonment for one month on each of the others, and has now served the term of his first sentence; and whereas, numerous respectable citizens of San Francisco, including M. G. Cobb, J. Naphthaly, Milton Andros, Wm. Gouverneur Morris, I. W. Lees, Police Captain; C. G. Welling and A. Bahrs, jailors, and Sullivan Turner, W. H. Rhodes, Wm. M. Pierson, B. Thompson, E. W. Taylor, and Paul Newman, members of the Bar. Now, believing that the ends of justice will be satisfied by the imprisonment suffered and the condition imposed in this pardon. November eleventh, eighteen hundred and seventy-two. (The condition of this pardon is that he depart from this State November thirtieth, never to return.)

Names of Prisoners	County.	Crime.	Sentenced.	Term.
John Gordella and John Devigio.....	Calaveras.....	Petit larceny.....	September, 1872.	Two hundred and fifty days in default of payment of fine, \$500.



**DECISION.**—Whereas, it appears from credible statements, and from a petition for their pardon signed by A. N. Coulter, S. L. Prindle, and M. G. Lewis, Supervisors of Calaveras County, and by a number of the members of the Bar, and by a majority of the jurors who found the said prisoners guilty, that the sentence was disproportionate to the offense, and that the prisoners having been sufficiently punished, may now be released with advantage to the county, safety to the community, and justice to themselves. November twenty-eighth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Shep. C. Masters...	Butte.....	Assault and battery .....	August, 1872.....	Two hundred and fifty days, or fine of \$500.

**DECISION.**—Whereas, upon petition signed by a number of well known and respectable citizens of Butte County, including the prosecuting witness, and upon the statement that the mother of the prisoner is very ill in the Eastern States, and that means have been sent to defendant to defray his expenses to the place where his mother resides. Pardon granted on condition that defendant leave the State before the first day of January, A. D. eighteen hundred and seventy-three, and do not return for five years. December fourteenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Gerran.....	San Francisco.	Assault with deadly weapon.....	December, 1869.	Until judgment of Court be satisfied in default of fine of \$800.

**DECISION.**—Whereas, being unable to pay the fine, he was confined in the County Jail for about six weeks, and was liberated upon an appeal bond, since which no further action has been had in the case; but, by advice of counsel, he has been led to believe that it had been dismissed, until, a few days since, it came to his knowledge that no appeal was perfected, and that the judgment still remained unsatisfied and liable to be enforced at any moment. And, whereas, a petition, reciting these facts and praying for his pardon, has been presented to me; and amongst other petitioners E. W. McKinstry, County Judge, and D. J. Murphy, District Attorney, recommend that he be pardoned. January seventeenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Chs. F. Cartwright	Santa Clara....	Assault to do bodily harm.	February, 1873...	Ninety days.

**DECISION.**—Whereas, the prisoner has now been confined for more than sixty days, conducting himself properly during the time, and the County Judge, the District Attorney, the Sheriff, and the Under Sheriff of Santa Clara County, from motives of mercy to the prisoner's family, have petitioned for his pardon. May seventeenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Julius Muller.....	Napa .....	Petit larceny .....	April, 1873.....	Ninety days.

DECISION.—Whereas, the prisoner has now been incarcerated thirty-eight days, and the County Judge, the District Attorney, the Sheriff, and the Under Sheriff of Napa County, have petitioned for his pardon in order that he may be removed to the Infirmary to undergo a surgical operation, that is certified by the County Physician to be immediately necessary, and to be a dangerous operation if performed at the prison. May thirtieth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Hays.....	San Francisco.	Vagrancy .....	April, 1873.....	Ninety days.

DECISION.—Whereas, the prisoner has now served forty-two of the said ninety days, and a firm doing a manufacturing business in San Mateo County have offered to take him into their service there, and to give him constant employment and satisfactory wages—an arrangement by which both the City of San Francisco and the prisoner will be benefited. June tenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Con. Miller.....	Sacramento....	Petit larceny.....	June, 1873.....	Six months.

DECISION.—Whereas, the evidence upon which he was convicted was purely circumstantial, and did not really prove anything beyond the fact that he was stupidly drunk at the time of the alleged theft; and the Judge who sentenced him now petitions for his pardon on the ground of doubtful guilt, and because the punishment is now sufficient. August ninth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
George Olwell.....	San Francisco.	Petit larceny.....	May, 1873.....	Six months.

DECISION.—Whereas, the prisoner has now served nearly four of the six months of his term, and his father being anxious to receive him at his home in New York, has sent money to his friends to enable him to leave this State; and whereas, the Police Judge, the District Attorney, the Chief of Police, and the Sheriff of San Francisco have petitioned for his pardon, knowing him to be willing and ready to return to New York, and believing him to be capable of reformation and anxious to redeem his character. Let him be discharged from custody on the condition that he depart from this State within ten days and never return. August twenty-third, eighteen hundred and seventy-three. (The condition of this pardon, that he depart from the State within ten days and never return.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Joseph J. Dunn.....	Sacramento ....	Assault with dead- ly weapon.....	September, 1873..	Thirty days.

DECISION.—Whereas, a petition for his pardon has been signed by many good citizens, and the Judge who sentenced him, and several of the jurors by whom he was tried, have signed the statement that the assault was without malice; and the prisoner has been sufficiently punished for his offense. October first, eighteen hundred and seventy-three.

## COMMUTATIONS OF SENTENCE,

GRANTED BY GOVERNOR NEWTON BOOTH,

*From May 10th, 1872, to , 1873, inclusive.*

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Thos. C. Lloyd.....	San Francisco.	Manslaughter.....	October, 1870.....	Ten years.

DECISION.—Whereas, notice of intention to apply for his pardon has been duly published in accordance with law, without eliciting objection or remonstrance from any source, and the previous good character of the prisoner, and his constantly correct behavior during his incarceration, considered in connection with the earnest solicitations of his friends, and the petitions of many citizens of good character, seems to warrant and justify a diminution of the said penalty; and it appears to me that such an act of mercy to the large and dependent family of the said prisoner, may, with propriety, be exercised. May tenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Sentence.
James Bushton.....	Monterey .....	Murder 1st degree.	March, 1872.....	Death.

DECISION.—Whereas, since the trial, conviction, and sentence to death of the said James Bushton, his brother, George Bushton, has been tried before the same Judge for the same offense, and has been found guilty of murder in the second degree; and this difference in the verdicts of the respective juries resulted from the introduction of new defensive testimony, when George Bushton was tried; and it appears conclusively to my mind, from petitions, statements of facts, and various letters from a number of well known citizens of Monterey County; from the Judge of the said Court, from other officers thereof, and from the Prosecuting Attorney, that the death penalty ought not to be inflicted upon the said James Bushton—let his sentence be commuted to imprisonment in the State Prison for the term of his natural life. June seventh, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Sentence.
William Williams.	Siskiyou .....	Murder 1st degree.	January, 1871.....	Death.

DECISION.—Whereas, the case having been finally decided on appeal by the Supreme Court of this State, so that no hope of a reversal of sentence or delay of execution was left; and whereas, the said Williams being thus under sentence of death, made his escape



from jail without personal violence; and whereas, the officers who were responsible for his safekeeping, after exhausting other means for his capture, caused information to be conveyed to him that his sentence had been commuted to imprisonment for life, and the said Williams, believing such information to be true, surrendered himself. Now, believing that the State ought not in any manner to be a party to a violation of faith, even to the guilty, and, least of all, in a matter involving life and death—therefore let his sentence be commuted to imprisonment in the State Prison for the term of his natural life. July thirteenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Sentence.
Wm. A. Hart.....	Tulare .....	Murder 1st degree	June, 1872.....	Death.

**DECISION.**—Whereas, William A. Hart was tried and convicted of the crime of murder in the first degree, and sentenced to be hanged the twentieth day of December, A. D. eighteen hundred and seventy-two; and, whereas, after the conviction of said Hart, K. H. Kinney, who was jointly indicted with Hart for the murder of one Levi M. Fletcher, withdrew his plea of not guilty, and pleaded guilty to the indictment, and in his confession in open Court, solemnly stated that he (Kinney) did the killing alone, and that Hart was not present thereat, and did not aid and assist therein; and, whereas, since the conviction and sentence of the said Kinney, he has made an affidavit wherein he avenges in most solemn manner the truth of the statements made in his said confession; and, whereas, the evidence given on the trial of Hart, if uncontradicted, is not clear and conclusive to my mind as to his presence at the killing of said Fletcher; and, whereas, from the manner of the appeal, it was impossible for the Supreme Court to pass upon any of the matters herein stated and order a new trial; and, whereas, the evidence given on the trial of said Hart, shows a criminal negligence upon his part in not attempting to prevent the killing of said Fletcher, and discloses a motive for such negligence which might have been sufficient to convict him as an accessory if he had been indicted, tried, and defended upon that charge. Let his sentence be commuted to imprisonment in the State Prison for the term of his natural life. December twelfth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Sentence.
Wm. Donovan.....	San Francisco.	Murder 1st degree	December, 1871...	Death.

**DECISION.**—Whereas, William Donovan was tried and convicted of murder in the first degree, and sentenced to be hung on the thirteenth day of December, A. D. eighteen hundred and seventy-two, and from which sentence a reprieve was granted staying such execution until the twenty-seventh day of December, A. D. eighteen hundred and seventy-two. And, whereas, on the night preceding, and on the morning of the day fixed for the execution of said defendant, I have received numerous letters and petitions from citizens asking for a commutation of punishment; among others, a unanimous resolution of the San Francisco Stock and Exchange Board; a statement from a well known citizen, that a petition numbering several thousand names had been left with him, asking for a commutation—that no one refused to sign, and thousands more could be procured if there were time; also, a petition by telegraph, signed by O. C. Pratt, J. P. Jones, E. F. Beale, J. B. Haggin, George T. Hooper, Thomas Brown, Joseph A. Donahoe, George P. Ihrie, Alex. G. Abell, N. B. Stone, Charles N. Felton, Alex. Austin, J. E. De La Montagnie, J. P. H. Wentworth, F. A. Sawyer, H. P. Wakelee, George O. Whitney, Thomas P. Madden, J. C. Pelton, John Beard, George Hearst, G. T. Lawton, J. G. Eastland, Geo. D. Roberts, P. C. Lander, J. P. Dyer, E. E. Eyre, O. Livermore, P. McShane, August Hemme, A. J. Bryant, J. W. Gashwiler, R. C. Page, E. N. Casey, R. H. Lloyd, H. F. Williams, J. D. Fry, C. R. Greathouse, Owen Thorne, G. B. Hitchcock, A. G. Kinsey, R. Swain, R. C. Rogers, G. F. Sharp, J. C. McCeny, T. J. Gallagher, G. N. Cassell, S. M. Taylor, George W. Smiley, J. J. McGlynn, F. Franconi, E. D. Baker, C. M. Leavy, J. C. Stebbins, Louis Cohen, S. G. Harding, G. G. W. Hoge, D. H. Regensberger, Samuel J. Rey-

nolds, P. W. Van Winkle, James Barrett, R. T. Goodwin, Joseph Austin, J. Hammil, W. F. Harrison, A. J. Ellis, David Mahoney, Edward Cahill, and T. McCarthy. And, whereas, such a manifestation of public opinion at so critical a time, seems to place me in the cruel position of seeking the life of the prisoner to maintain my consistency. Now, therefore, although after a careful examination of the evidence in the case, I am of opinion that the prisoner had no legal defense to the charge of which he was convicted, and that the only circumstance which should mitigate the penalty fixed by law, is the possibility that at the time of the commission of the crime the mind of the prisoner may have been in a state bordering on delirium, from intemperate drinking; yet, in mercy to myself, out of consideration to the feelings of the petitioners, in deference to what I believe to be public opinion in this case, out of tenderness for human life, and perhaps from a lack of moral courage which is willing to divide the responsibility of a most painful duty even with those who, from the nature of the case, cannot have given the subject that anxious examination which I have myself—let his sentence be commuted to imprisonment in the State Prison for the term of his natural life. December twenty-seventh, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Sentence.
R. H. Keeny.....	Tulare.....	Murder 1st degree	June, 1872.....	Death.

DECISION.—Whereas, R. H. Keeny, having pleaded guilty to an indictment for murder, was adjudged by the Court to be guilty of the crime of murder in the first degree, and was sentenced to death, the date for the execution of the sentence and of the said prisoner being now fixed on the seventh day of March, A. D. eighteen hundred and seventy-three; and, whereas, the said R. H. Keeny, when his case came on for trial, pleaded guilty to the indictment under the impression and belief that such plea would be accepted by the Court as a plea of guilty of murder in the second degree; and, whereas, after a careful examination of the testimony given upon the trial of Wm. A. Hart, who was indicted jointly with the said Keeny, and of the statement of the said Keeny, upon which statement and testimony the Court fixed the degree of guilt, I am of opinion that no jury, upon a fair trial, would have found the said Keeny guilty of murder in the first degree, because, for wrongs such as he has suffered, in the seduction of his wife and the taking away of his wife and child, there is no "cooling time," and that a killing done at the instigation of the memory of such wrongs (kept alive and aggravated in this case by the taunts and suggestions of false or thoughtless friends, and by continuous hints of the stain of bastardy), is really done in the heat of passion, and does not deserve the extreme penalty of the law. Let his sentence be commuted to imprisonment in the State Prison for the term of his natural life. February sixth, eighteen hundred and seventy-three.

# REPRIEVE OF SENTENCE,

GRANTED BY GOVERNOR NEWTON BOOTH.

Name of Prisoner.	County.	Crime.	Sentenced.	Sentence.
John Devine.....	San Francisco.	Murder in First Degree.	——, 1873 .....	Death.

DECISION.—Whereas, at the January Term, A. D. eighteen hundred and seventy-three, of the District Court of the Twelfth Judicial District, held in and for the County of San Francisco, John Devine was tried upon an indictment for murder, and having been convicted of the crime of murder in the first degree, has been sentenced to death, and the date for his execution fixed on the ninth day of May, A. D. eighteen hundred and seventy-three; such conviction and sentence having been confirmed in the Supreme Court of this State only two days before the time set for the said execution. Now, therefore, at the request of the Judge of the Twelfth District Court, the District Attorney of San Francisco, and the spiritual adviser of the condemned man, by virtue of authority in me vested, I do hereby grant a reprieve to the said John Devine until the fourteenth day of May, A. D. eighteen hundred and seventy-three, in order that he may prepare for death; and do hereby direct the Sheriff of San Francisco to postpone the execution of the said sentence for five days, and to carry the said sentence into effect on Wednesday, the fourteenth day of May, A. D. eighteen hundred and seventy-three. **May eighth, eighteen hundred and seventy-three.**

# RESTORATIONS TO CITIZENSHIP,

BY GOVERNOR NEWTON BOOTH,

*From February ninth, eighteen hundred and seventy-two, to October thirty-first, eighteen hundred and seventy-three, inclusive.*

Persons Restored.	County.	Crime.	When Sentenced.	Term.	When Restored.
Thomas King.....	Placer.....	Robbery.....	September, 1860.....	Eight years.....	February 9, 1872.....
James Lowe.....	Tehama.....	Grand larceny.....	May, 1870.....	Two years.....	February 9, 1872.....
James Miller.....	El Dorado.....	Grand larceny.....	October, 1866.....	Two years.....	May 21, 1872.....
Adolfo Celis.....	Los Angeles.....	Manslaughter.....	May, 1870.....	One year.....	June 14, 1872.....
Nase Monton.....	Nevada.....	Grand larceny.....	February, 1856.....	Two years.....	August 15, 1872.....
Isaac Hawley.....	San Bernardino.....	Grand larceny.....	June, 1861.....	Two years.....	October 15, 1872.....
Hans Reinhardt.....	San Francisco.....	Grand larceny.....	April, 1864.....	Three and one sixth years.....	February 25, 1873.....
John Sachelle.....	San Francisco.....	Grand larceny.....	March, 1865.....	Four years.....	May 6, 1873.....
Lewis J. Dribblesby.....	Sierra.....	Robbery.....	September, 1865.....	Twelve years.....	August 14, 1873.....



## REPORT

### OF THE COMMISSIONERS APPOINTED TO SELECT A SITE FOR A NEW ASYLUM FOR THE INSANE.

To His Excellency,  
NEWTON BOOTH,  
Governor of California:

SIR: Having been appointed by your Excellency as Commissioners to select a site for a new Asylum for the Insane, and having discharged the duties assigned us, we herewith respectfully submit our report.

The following article, from the *Sacramento Union* of April nineteenth, will show the organization of the Board, the general principles by which it would be guided, and the notice given to all whom it might concern:

#### "COMMISSIONERS OF STATE INSANE ASYLUM.

"C. H. Swift, of this city, Dr. G. A. Shurtleff, of Stockton, and Dr. E. T. Wilkins, of Marysville, Commissioners appointed by Governor Booth to select a site for the State Asylum for the Insane, met yesterday at the office of C. H. Swift, and having taken the usual oath of office, organized by electing C. H. Swift as Chairman, and Dr. Wilkins as Secretary. Matters pertaining to the duties of the Board were freely discussed, and a few general propositions agreed upon. The bill authorizing the selection of a site for the new Asylum provides that it shall be in the central and western portion of the State, embracing the bay counties, but did not specify the northern or southern boundary. The Commissioners, therefore, resolved that they would not extend their search for a site farther south than the southern line of Santa Cruz, nor farther north than the northern boundary of Sonoma County, thus embracing all the counties around the bay, and within easy reach of the City of San Francisco.

"The bill wisely provides that 'in making a selection of a site for said institution, the Commissioners shall not be influenced by any offers of money or property, but shall decide upon said site solely upon the grounds of healthfulness, adaptability to the purposes of the institution, and convenience of access from different parts of the State,' thus leaving the Commissioners entirely free to make such selection as, in their judgment and discretion, may seem to be for the best interest of the insane and the State. Should they find two or more localities, however, presenting equal claims and advantages in all other respects, they will deem it their duty to choose that which will be least expensive to the State. They desire to find, among other things, a tract of land containing not less than one hundred acres, in a healthy and accessible locality, and with fine scenery and pleasant surroundings, which can be easily

supplied with an abundance of pure fresh water; that it shall be easily accessible at all seasons of the year; and for this reason, that it shall be near some railroad or water communication; and that it shall be near some town of considerable size, so that the constantly occurring wants which cannot be foreseen may be readily and conveniently supplied.

"The Commission being organized, communications and information may be addressed to C. H. Swift, Chairman, or either of the other Commissioners, at their respective places of residence. The Commission adjourned, to meet at the Grand Hotel, San Francisco, on the last Tuesday of April (thirtieth), to make preliminary visits to such places and localities as may hereafter be agreed upon. Persons addressing the Board should be specific in all their statements, giving the exact distances from railroad and town, price of land, facilities of drainage, and all other matters coming within the above requirements."

Governed by these general principles, and actuated by the desire to find a location possessing all, or as many, of the foregoing advantages as possible, and especially one of easy access to the great City of San Francisco, from which at least one half or two thirds of the patients committed to this Asylum must come, it was determined by tacit consent, if not by agreement, that no place should be selected beyond the reach of easy visitation from that city in one day. Sundry places located in the Counties of Marin, Sonoma, Napa, Contra Costa, Solano, Alameda, San Mateo, Santa Clara, and Santa Cruz, were visited by the Board, and the advantages of each duly considered.

Sites possessing *some* of the prescribed requisites were found in *all* of the localities visited. In most, fair locations could have been obtained, but only *two sites* were found possessing *all* of the advantages named, viz., salubrity of climate, equable temperament, convenience of access, nearness to railroad communication, vicinity of some town or city, beauty of scenery, freedom from mosquitoes, facilities for drainage, and an abundant supply of pure fresh water, that can be brought to the top of any building. One of these sites, a map of which is herewith submitted, has been unanimously selected by the Board.

It is situated one mile and a half southeast of Napa City, and contains two hundred and eight acres of land, of which about forty acres is bottom land, one hundred and sixty table land, and eight acres of mountain land.

Most of the bottom land is well adapted to the growth of vegetables, hay, etc. The table land is said to be fine grain land, and well adapted to the production of the grape, and other fruits; and as it rises at an elevation of eighty feet to the mile, it possesses a fine site for the buildings, and offers facilities for a perfect system of sewerage and drainage. A fine stone quarry of good building material is upon the eight acres of mountain land, and adds materially to the value of the tract. The water supply is from a mountain brook of never failing source, on an adjoining tract belonging to Nathan Coombs, Esq., who has generously entered into bonds, in the sum of twenty thousand dollars, to convey to the State, for a nominal consideration, all the water privileges that may be required on the Asylum grounds for whatsoever purpose, now and forever, "reserving only the right to take from the water works and pipes, or either of them, any excess of water above and beside what is required for the Asylum and grounds; the State, by its respective agents alone, to determine when there is any excess." And at the distance of

three fourths of a mile from the east line of the place selected, the water supply may be obtained at an elevation of two hundred feet.

The tract is bounded on the west by the Napa Valley Railroad, about half a mile from the site where the buildings will probably be erected; and in full view of Napa City, and the site selected for an Odd Fellows' College, on the west side of the valley.

This land is the property of Don Cayetano Juarez (one hundred and eighty-one acres), and J. H. Thompson (twenty-seven acres), who have given bonds in the sum of twenty thousand dollars each (all of which are herewith submitted), \* to convey the land to the State for the sum of sixty dollars per acre—a reasonable price. In each case the money to be paid on or before the thirtieth day of January, eighteen hundred and seventy-three. It is to be regretted that no meteorological tables have been kept at Napa City, as the temperature of the valley varies much in different localities.

The upper portion being shut off by a range of mountains from the breezes of the bay, is warm in Summer, while that from Napa City to the bay has no such obstruction, and is, therefore, cool and pleasant; at least, such is the unanimous testimony of those who are familiar with its seasons.

As an evidence of the freedom of this locality from malarial influences, we were informed by Doctor Stillwagon, who has practiced medicine there for twenty years, that he has never been called upon to treat a single case of chills.

Taking all things into consideration, it is confidently believed that no *asylum in existence* combines more advantages of location than pertains to this, and the Board is more than gratified at having found so admirable a site for the new Asylum.

The other place alluded to is situated one mile west of Redwood City, on the estate of Horace Hawes, deceased, and known as Mount Eagle. It possesses *all* the advantages that pertain to that at Napa and has some desirable features in addition. It is more accessible to San Francisco, from which city most of the patients must necessarily be sent.

It can be reached in half the time, and for but little more than half the cost of fare to Napa. There is upon the premises a natural mound for the erection of buildings, from which a splendid view of the bay is obtained, in addition to other charming scenery, all of which are most desirable.

But this place is still in litigation, and no one has power to confer a title. Its selection, therefore, was, of necessity, abandoned.

This place was valued at two hundred and fifty dollars per acre, a little more than four times the price of that selected by the Board.

The same quantity of land, including Mount Eagle, as has been agreed upon at Napa, would have cost the State forty thousand dollars more, and may well be taken into consideration.

That region of country immediately in the rear of Oakland, Brooklyn, and Alameda is beautiful in the extreme, perhaps unequalled by any in the State, and its climate unobjectionable; but an independent water supply could not be found in connection with other desirable, if not necessary, requisites; and in all cases, the desirable places are held at prices that, in the opinion of the Board, were too high to be paid under the circumstances.

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\* The bonds of Juarez and Thompson have been sent to the Recorder of Napa County for record.—C. H. SWIFT.



A place of similar size (two hundred and eight acres) and possessing like advantages with those at Napa or Redwood City, would, if in the vicinity of Oakland, probably be held at seventy-five thousand dollars or one hundred thousand dollars, which, in addition to other considerations, in our judgment was a sufficient reason for the selection made.

There are also many beautiful places on the peninsula between San Francisco and San José, but with the exception already noted, none possessed the advantages of the Napa tract. In the Pajaro Valley two sites were found, which, though equal in themselves to any visited, were considered too far from San Francisco and from the railroad for the purposes of this Asylum.

Indeed, we may add that the climate of Santa Cruz County and City is very desirable, and the scenery surpassingly beautiful.

In conclusion, we take pleasure in acknowledging our obligations and returning our thanks to the citizens of all the places visited, for the innumerable acts of kindness, courtesy, and hospitality, and if we have not been able to conclude that each place was superior to all others, it is nevertheless hoped that it will be conceded that we have been actuated solely by what we conceived to be the best interest of the State, and of that class of suffering humanity who are to be the beneficiaries of the Asylum.

August 2d, 1872.

C. H. SWIFT,  
E. T. WILKINS,  
G. A. SHURTLEFF.

Approved, August 12th, 1872.

NEWTON BOOTH,  
Governor.

THOS. M. LOGAN,  
Secretary State Board of Health.

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OFFICE OF CALIFORNIA STATE BOARD OF HEALTH, }  
SACRAMENTO, August 10th, 1872. }

*To His Excellency, NEWTON BOOTH:*

DEAR SIR: I have the honor to inform you that, in compliance with your expressed wishes, I visited, on the eighth instant, the site selected by the Commissioners for a new Asylum for the Insane. I passed a great part of the day in riding over and inspecting the grounds, with a view to adaptability for the purposes contemplated. It affords me great satisfaction to be able, not only to confirm all that has been so graphically described by the Commissioners, as to the topography, accessibility, and other essential requirements, but also to express my surprise and pleasure at the admirable surroundings and picturesque scenery appertaining to the locality in question. Rising gradually, as the land does, at the rate of eighty feet to the mile from the bottom land, where the Vallejo and Calistoga Railroad traverses, it affords, at about half a mile from this, its western boundary, an excellent site for the erection of the buildings, embellished by a natural growth of a few oaks, and commanding a panoramic view of the circumjacent mountains



and neighboring City of Napa, of exceeding beauty. This latter consideration is of no little importance—it being now the settled opinion of the most able alienists, that in order to ameliorate the condition of the insane, and to effect the greatest possible number of recoveries, too much thoughtful attention cannot be given to the location of the buildings, so that every advantage may be derived from the views and adjacent scenery.

With all due deference to the economic ideas of the Commissioners, who have manifested too nice a sense of the extent of the pecuniary responsibility involved in the high trust confided to them, I must here express my regret that provision has been made for the purchase of only eight acres of the mountain land on the eastern line. In my judgment, a sufficient quantity of this portion of the tract should have been obtained to encompass the mountain brook, for which a water privilege is to be held, conformably with a bond to be entered into with Mr. Nathan Coombs, the proprietor. Pure, bright, and sparkling as this water now is, the least animal refuse or organic matter may poison it at its source, and convert it from an hygeian fount into a stygian stream. Apart from the importance, therefore, of securing this land while it can be purchased at a reduced price, as I have been assured by Mr. Coombs, it must be remembered that, as has been justly laid down by the State Commissioner in Lunacy, in his exhaustive report, "at least half an acre of land for each patient to be accommodated, not only for farming and gardening purposes, but for pleasure and exercise grounds as well," should be provided. Now, if the projected buildings are to be constructed for the accommodation of five hundred patients, two hundred and eight acres would not afford the requisite proportion of ground, as above specified. Without wishing to throw any impediment in the way of the immediate consummation of the project for a much needed branch asylum, but merely offering these remarks, sir, as suggestive, before making your final decision, I proceed to state that not only as regards topographic, but also climatic fitness and salubrity, do I find the site most judiciously selected. In the absence of any continuous series of instrumental proofs of the temperature, and other meteorological phenomena of a reliable nature, I have satisfied myself from some fragmentary observations of others, as well as mine own, that no more equable nor more salubrious climate can be found in any other part of the State north of Santa Barbara, so far as my present knowledge extends. On the day I passed at Napa the thermometer, and course and force of the winds were carefully noted by me; and I find that the reading of the former was ten degrees less at Napa City at two P. M., in the Revere House—where I then was—than it was here at the same hour of the same day, in the Central Pacific Railroad Company's office. During the late "heated term," which was felt more or less everywhere, the comparative maximum temperature of Sacramento and Napa City, stands as follows:

*Maximum temperature.*

1872.	Sacramento.	Napa City.	Difference.
August 1st.....	96°	80°	16°
August 2d.....	98°	79°	19°
August 3d.....	99°	75°	24°
August 4th.....	94°	75°	19°
Mean .....	96.7°	77.2°	19.5°

It will be seen that there was a difference of nearly twenty degrees between the mean maximum temperature here and at Napa City. These observations for the latter place were registered at the Revere House, and are verified by the most respectable citizens.

From some thermometrical observations made for four consecutive months, during the Summer of eighteen hundred and fifty-six, by Mr. James M. Thompson, of Suscol, I am enabled to construct another table for the purpose of comparing the mean Summer temperature of Napa City with that of San Francisco and Sacramento.

*Mean temperature.*

1856.	May.	June.	July.	August.	Mean.
Sacramento .....	63°	72°	76°	76°	71.7°
Napa City.....	59°	63°	60°	63°	61.2°
San Francisco.....	58°	62°	59°	59°	59.5°

The influence of the trade winds upon the Summer temperature of these three points is here plainly demonstrated. At San Francisco there is no obstacle presented to the force of the chilling oceanic winds, which rush directly through the Golden Gate, with increased momentum, as through a funnel; whereas, at Napa City, such is the conformation of the valley, these winds are broken in violence by the opposing mountain barriers. At Sacramento, distance still further modifies the same winds, which, having a common origin, are deflected in their course by the Contra Costa mountains, and reach us, with much diminished force, as S. S. E. winds.

Were it not for the peculiar arrangement of the mountains, Napa City would suffer as severely from the oceanic winds as Vallejo and Benicia. As it is, the climate at Napa City affords such a tempered medium between our interior heat and the chilling winds of the coast regions, as would allow the majority of all the inmates of the Asylum, under proper regulations, to take out-of-door exercise for at least a couple of hours, morning and afternoon, for all seasons; and in warm weather, when suitable shade trees, arbors, walks, and seats are provided, they may beneficially spend one half of the entire day in the open air.

With regard to the *salubrity* of the climate and location—a most important alleviative, or rather curative agency—I would remark that the testimony of all the resident physicians of Napa City is to the effect of the absolute freedom of the surrounding country from malarial diseases. Dr. M. B. Pond, who has written most explicitly on this point, states: “I have resided here six years, engaged in the practice of medicine, and must state that I have not known an epidemic, or even a marked endemic disease to originate here during that period. There is no disease that regularly or even frequently returns at stated periods of the year. Typhoid fevers are scarcely known here; intermittents not at all, except when imported from abroad. Remittent fevers are more frequently met with, but they only occur as sporadic cases, and not at regularly recurring seasons. \* \* \* During the Summer, the thermometer ranges from 65° to 72°, with only occasional exceptions, and these lasting only two or three days at a time.”

Dr. Stillwagon, who has practiced medicine in Napa City for the last twenty years, not only corroborates all that has just been quoted, but affirms that, after careful examination, in his legislative capacity, with Dr. Shurtleff, of the records of the Asylum at Stockton, fewer cases of insanity were sent from Napa City, in proportion to the population, than from any other point in the State. It would seem, therefore, from *a priori* reasoning, that the best place for treating the disease is where the causes exist in the least intensity.

The whole subject, you will perceive, sir, involves questions of the deepest interest and of the most intricate nature, and should be thoroughly grappled with, both by the State and its medical men, if we wish to keep down the number of the insane as small as possible, by healing all that can be healed in the curable stage of their disorders.

Regretting that the very limited time of only four days allowed me, after the filing of the report of the Commissioners, according to the terms of the Act, necessitates so hurried a summary of the facts, which I have been able to possess myself of, bearing on this momentous State charity, and the consequently hasty conclusions I have deduced therefrom, I remain, very respectfully,

Your obedient servant,

THOS. M. LOGAN,  
Secretary State Board of Health.

# REPORT

## OF THE BOOKS AND ACCOUNTS OF THE STATE HARBOR COMMISSIONERS.

His Excellency,  
**NEWTON BOOTH,**  
 Governor of California:

Appointed by you to examine the books and accounts of the State Harbor Commissioners, to ascertain the manner in which they have been kept, and what they exhibit, I have done so for the eleven months beginning December first, eighteen hundred and seventy-one, and ending October thirty-first, eighteen hundred and seventy-two.

This period of time was taken at the request of the Board.

The Commissioners, and more especially their Secretary and his Assistant, have readily and constantly given me access to the books and papers of the office, and have afforded me every facility and all the assistance I have asked for; but it is due to them, as well as to myself, to state that I have consulted but little with either of them.

I have thoroughly examined each separate entry in the books of the wharves, the cash books, and the ledgers, together with their tributary accounts, checking always from the original reports, and from the vouchers for cash expended; have tested the accuracy of every merging or separating computation, footing up every column of figures, omitting nothing, and doing the work as though the result were not yet ascertained; have depended upon the records alone for my conclusions, neither taking anything for granted, nor accepting any statement as true, until shown to be so by my own balance sheet; and it gives me pleasure to report that I have found the accounts neatly and well kept, correct in every particular (except as hereinafter stated), and showing, with the books of the State Controller, a perfect balance.

There are vouchers in the office for every item of both receipts and expenditures, which were as follows, during the period named:

<i>Receipts.</i>		
From rents, leases, etc.....	\$64,716 36	
From dockage of vessels.....	44,050 69	
From tolls on freight.....	24,303 95	
From wharfage on freight.....	18,776 78	
From the State Treasury.....	13,567 58	
		\$165,415 36



## VOUCHERS—Continued.

<i>Expenditures.</i>		
For dredging at wharves.....	\$71,753 60	
For urgent repairs on wharves.....	35,319 81	
For current expenses of wharves.....	26,557 50	
For salaries of Commissioners and Secretaries.....	11,825 00	
For cleaning wharves.....	9,582 00	
For office expenses.....	3,718 08	
For salary of Engineer.....	3,666 67	
For special counsel.....	2,750 00	
For expenses at law.....	242 70	
		\$165,415 36
Excess of expenditures over receipts.....		\$13,567 58

In other words, during the eleven months designated, the Commissioners have drawn:

From the State Treasury.....	\$71,753 60
And have remitted to the State Treasurer.....	58,186 02
Disbursing above their total receipts.....	\$13,567 58

A separate book of accounts is kept with each wharf having a wharfinger, in which books are recorded the names of vessels, their tonnage, dates of arrivals and departures, rates of dockages, and amounts of money collected therefrom. These books show many apparent errors in charges. Accompanying this is a statement of them in detail. It is probable that a large percentage of them are errors more apparent than real, and that if the books set forth (as they do not) whether the vessels occupied outside berths or positions at the wharves, the statement would show less than it does of carelessness, favoritism, or malfeasance.

As shown by the books—the only authority I can well consult—the errors aggregate:

At Clay street.....	\$155 35
At Commercial street.....	49 12
At East street, Market to Mission.....	125 60
At East street, Mission to Folsom.....	900 63
At Eureka Dock.....	25 72
At Front street.....	2 75
At Hathaway's.....	50 35
Carried forward.....	\$1,308 92

## ERRORS—Continued.

Brought forward.....	\$1,308 92
At Howard street.....	508 75
At Jackson street.....	66 25
At Main street.....	21 28
At Market street.....	68 50
At North Point.....	54 27
At Washington street.....	1 00
Total.....	\$2,028 97

The subject of tolls and their collection at the various wharves, requires especial consideration. It seems to be a serious flaw in a business system otherwise well devised, that no check exists whereby a probable estimate even can be made as to the amount of tolls that ought to be collected and paid over to the State. The practice has been to simply appoint a collector, assign to him a wharf, and accept his report, whatever it may show, without question. By the rules and regulations adopted by the Commissioners under the statutes, specified tolls must be paid on every ton of freight passing over a wharf; and so the tolls collected should be in direct proportion to the tonnage of the port. If the wharves were all operated by the State, an estimate could be thus made that would approximate the truth; but many of them being under the control of corporations and individuals, the work of apportioning the tonnage would be very difficult and of doubtful accuracy when done, and it is therefore next to impossible to ascertain anything beyond what is shown by the reports of the collectors.

But the reports themselves are suggestive of the idea that, either from failure to collect or from forgetfulness to pay over, the State has not received her just dues.

At Front street wharf, for instance, the tolls reported in December, 1871, amounted to.....	\$36 50
While those of December, 1872, aggregate.....	422 75
And, at Vallejo street wharf, the tolls reported for December, 1871, were.....	92 50
And those for December, 1872, were.....	530 35

In view of the facts that at the former date the rates were just double those in the latter month; that investigation was not then probable, but is now certain; and that the increase of tonnage discharged and loaded at these two wharves this year is far from sufficient to account for the remarkable difference in the receipts, it seems to be probable that the tolls collected, being unable to report themselves, have, to some extent, not been reported at all.

During the eleven months for which this report is made, the tolls collected at the different wharves amounted to.....	\$24,303 95
And the salaries of the Collectors, to.....	11,550 00
Leaving a profit of.....	\$12,753 95
The monthly average was.....	\$2,269 45
The average for November and December, 1872, is.....	3,439 12

The revenue from wharfage on freight, depending, as it does, on a medley of possible circumstances, and not being necessarily proportionate in any degree to either tonnage, dockage, or tolls, can neither be estimated nor protected, and can be secured to the State in one way only; that is, by having honest men for wharfingers. If many of the men who have been employed at the wharves have been in the habit of using otherwise than lawfully the money collected by them, it is probable that they have swerved a greater proportion of wharfage and tolls than of dockage; for the reason that a close estimate can be made of the latter, whilst the former might be misapplied without much danger of detection.

The total amount reported as having been collected from wharfage during the eleven months ending October 31, 1872, is.....	\$18,776 78
The monthly average being.....	1,706 98
The amount reported for the succeeding months of No- vember and December is.....	4,246 01
An average per month of.....	2,123 00

The aggregate of dockage, wharfage, and tolls reported as having been collected during the eleven months named, is.....	\$87,131 42
The average per month being.....	7,921 04
During the months of November and December, which have elapsed since your attention was directed to the affairs of the Board, the receipts were.....	28,294 08
An average per month of.....	14,147 02

At the inception of this examination, the Commissioners requested a large number of well known business firms of this city to furnish statements showing what had been paid by them, as consignees of vessels, for dockage; and such statements were promptly furnished by B. E. Auger & Co.; Balfour, Guthrie & Co.; Samuel Blair; J. M. Buddington; Cross & Co.; Albert Dibblee; Dickson, DeWolf & Co.; C. L. Dingley; Dolbeer & Carson; Victor Dumont; Falkner, Bell & Co.; R. Feuerstein &

Co.; Forbes Brothers & Co.; Freeman, Smith & Co.; consignees of the vessel Gem of the Ocean; Gildermeister, Mencke & Co.; consignees of the vessel John Hancock; Hanson, Ackerson & Co.; Geo. Howes & Co.; Hutchinson, Kohl & Co.; G. M. Josselyn & Co.; Kittle & Co.; C. Adolph Low & Co.; Henry Lund; Macondray & Co.; McFarlane, Blair & Co.; J. C. Merrill & Co.; Parrott & Co.; Platt & Newton; Pope & Talbot; Rodgers, Meyer & Co.; A. E. Sabatie & Co.; Morris Speyer & Co.; C. L. Taylor & Co.; consignees of the vessel James Townsend; Welch & Co.; Williams, Blanchard & Co., and consignees of the vessel Joseph Wolley.

Afterwards, in response to a widely published request to all consignees of vessels, similar statements were prepared by Goodall, Nelson & Perkins; F. P. & J. A. Hooper; William Gouverneur Morris; William H. Olmstead, and I. W. Raymond.

These statements by consignees are apparently prepared with care. I have been unable to reconcile them with the books of the Harbor Commissioners. They differ very materially from the wharfinger's reports, and to such an extent as to show quite plainly either remarkable errors or serious frauds.

Accompanying this report, as a part thereof—and the most important part—is a complete list of the vessels which are reported as having paid dockage to the State during the eleven months already designated; the amount reported paid on each vessel; the amount shown to have been paid on such vessel, by the statements of consignees; the deficiency in each case, and the name of the wharf.

The aggregates of the deficiencies thus set forth in detail, are as follows:

Clay street.....	\$375 00
Eureka dock.....	244 00
East street, Market to Mission.....	25 25
East street, Mission to Folsom.....	26 00
Front street.....	1,780 71
Hathaway's.....	1,529 37
Howard street.....	36 35
Jackson street.....	54 00
La Rue's.....	218 25
Mission street.....	2,313 49
Market street.....	133 50
North Point.....	579 75
Pacific street.....	298 50
Vallejo street.....	5,343 75
Washington street.....	97 00
Total.....	\$12,683 67

The showing is an incomplete one, but it is as full as the reticence of consignees permits to be made, unless the almost interminable process of constructing a possibly correct statement from the commercial newspapers, were to be adopted.

This deficiency of twelve thousand six hundred and eighty-three dollars and sixty-seven cents is on a total reported collection of sixteen



thousand six hundred and seventy-three dollars and seventy-five cents; in other words, twenty-nine thousand three hundred and fifty-seven dollars and forty-two cents was collected, and only sixteen thousand six hundred and seventy-three dollars and seventy-five cents accounted for to the State. If the proportion thus established were a true one, the deficiency upon the forty-four thousand and fifty dollars and sixty-nine cents reported collected from vessels for dockage would amount to thirty-three thousand five hundred and nine dollars and twenty-two cents; and upon the eighty-seven thousand one hundred and thirty-one dollars and forty-two cents reported collected from wharfage, dockage, and tolls, would amount to sixty-six thousand two hundred and eighty dollars and sixty cents. These figures are given because they suggest themselves, and are not intended to express an opinion.

A large expenditure has been made for dredging—seventy one thousand seven hundred and fifty-three dollars and sixty cents, or two hundred and fifteen dollars and fifty-five cents a day. Up to the beginning of eighteen hundred and seventy, the price paid by the Commissioners was fifty cents for each cubic yard dredged and removed. A contract was then made for dredging at thirty-four cents per cubic yard, which price has since been paid. The bills which have been allowed and paid are all certified to be correct as to number of cubic yards dredged, by the Engineer of the Board.

You will notice that this report contains a brief abstract of the more important of the leases made by the Commissioners. Further than to respectfully direct your attention to those of Broadway Wharf and Greenwich Dock, I have no comments to offer concerning them.

The facts summarized in the foregoing paragraphs are elaborately set forth in the following parts of this report and transmitted herewith:

1. A complete statement of vessels entered at the United States Custom House in this city during the eleven months ending October thirty-first, eighteen hundred and seventy-two, showing date of entry and tonnage of each vessel.

2. A complete statement of all vessels, including coasters, steamers, and barges, that have arrived at San Francisco during the eleven months ending October thirty-first, eighteen hundred and seventy-two.

3. A statement showing the total amount reported by wharfingers to have been paid to the State for dockage on each vessel, the tonnage, the name of the wharf, the amount paid by consignees, and the deficiency.

4. A statement in detail of apparent errors in charges at the various wharves.

5. Tabular statements of wharfage, dockage, and tolls, reported as having been collected since December first, eighteen hundred and seventy-one.

6. An abstract of leases made by the Commissioners.

To arrive at the information thus embodied has necessitated a great deal of work—much more than the documents indicate. If it be determined to further pursue the inquiry, it will be well to take the accuracy of the books kept by the Secretary for an established fact. In addition to the thorough test for the period of eleven months, I have given them, and all of them, a cursory examination sufficient to satisfy myself that they are correct from the beginning. And it would be of little practical use to renew the investigation without reports from consignees

to begin with. Even with such reports the result would be incomplete, for the masters of vessels have made the payments in very many instances.

There are transactions of importance, too, that neither books nor reports give any inkling of. Shortly after I entered upon my examination of the books, a bill was presented to the Board for the repair of the schooner "Howard," which had sunk at Market street wharf from being snagged on broken piles. It was shown to me by the Secretary as illustrative of the importance of keeping wharves in repair, and I made an examination to see how much the State was loser by the disaster to the vessel. No entry appeared in the wharf book against the "Howard" for several months previous. Unable to perceive why a vessel not shown by the books to have paid for wharf privileges, should be allowed such damages, I consulted with Mr. Martin Bulger regarding her, who told me that she was one of several vessels that had for a long time discharged their cargoes at Market street wharf, without paying anything for the accommodation; and the next day Mr. Bulger (who has constantly endeavored to facilitate my work) procured from the wharfinger a statement showing the names of the vessels, the amounts they should have paid to the State, and the wharfage due and unpaid upon their cargoes. I have since been told by the wharfinger, Mr. Armstrong Askey, that the fleet of schooners in question commenced in October, eighteen hundred and seventy-one, to bring cargoes for H. W. Seale, a contractor; that when the first month had elapsed, he presented the State's bill, which was not paid; that he then spoke to Mr. Marks about the matter, who told him that he would attend to it; that in subsequent conversations with Mr. Marks upon the subject, he was given to understand that the Board would take all the cognizance of the case that it required. As the result, the bills have not been paid. They amount to three thousand and sixty-nine dollars and sixty-eight and three fourths cents.

A singular feature of the transaction is, that no charges were made against these vessels, either at the office of the Commissioners or in the books at the wharf, the figures being taken from a memorandum kept in the trunk of the wharfinger at Hayes' Valley. The minutes of the meetings of the Board are barren of any allusion to the facts, until after they became known in the manner stated.

Your obedient servant,

LAUREN E. CRANE.

SAN FRANCISCO, January 13th, 1873.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
December 5th, 1873. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly is now ready to proceed with business, having elected the following officers:

Speaker.....	M. M. Estee.
Speaker pro tem.....	Robert Howe.
Chief Clerk.....	D. T. Loofbourrow.
Assistant Clerks.....	John Webber, J. A. Brumsey.
Sergeant-at-Arms.....	Wm. M. Crutcher.
Assistant Sergeant-at-Arms.....	J. M. Inghram.
Minute Clerk.....	T. S. Harris.
Journal Clerk.....	B. F. Jeffries.
Copying Clerks.....	Mrs. J. P. Biggers, Walter Ferral.
Enrolling Clerk.....	Richard Brown.
Engrossing Clerk.....	C. H. King.
Porters.....	{ Wm. H. Coppers, Chas. Welty, John Nicholson, John S. Wilkins.
Pages.....	{ Samuel Alexander, Robt. Craig, William Dunlevy, Joseph O'Neil.
Postmaster.....	C. E. Street.
Post Office Page.....	Frank Morse.
Paper Folder.....	W. G. Hawkett.

Also, adopted Senate Concurrent Resolution No. 1—Relative to appointing joint committee to wait upon the Governor, and inform him of the organization of the Legislature—and that Messrs. Freeman, Tully, and Swift have been appointed as such committee on the part of the House.

Also, adopted Senate Concurrent Resolution No. 2—Relative to appointing joint committee of two on the part of the Senate, and three on the part of the House, to consider retrenchment in public expenditures.

BRUMSEY, Assistant Clerk.

At one o'clock P. M., on motion of Mr. Duffy, the Senate adjourned to Monday, December eighth, at two o'clock P. M.

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IN SENATE.

SENATE CHAMBER,  
Monday, December 8th, 1873. }

The Senate met pursuant to adjournment.  
The President in the chair.  
Roll called and a quorum present.

Prayer by the Chaplain.

Journal of Friday last read and approved.

Messrs. Fraser, Martin, Boggs, and Kent, were granted leave of absence for one day each.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from his Excellency, the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December, 1873. }

*To the Senate of the State of California:*

It is my duty to inform you that there is a vacancy in the representation of the State in the United States Senate, occasioned by the resignation of Hon. Eugene Casserly. The letter of resignation is on file in my office, and is in the following terms:

"SAN FRANCISCO (Cal.), November 28th, 1873.

"Hon. NEWTON BOOTH, Governor of California, etc.:

"SIR: I hereby resign my unexpired term in the Senate of the United States as a Senator for California, this resignation to take effect immediately, so that the State Legislature, which meets on the first of next month, may fill the vacancy. As my intimate friends in the Senate and elsewhere well know, I have long desired to withdraw from that body, and, at the same time, to retire wholly from politics and political life.

"My public duties on both sides of the continent have demanded of me and have received so much attention as to greatly impair my health and compel me to neglect my private affairs. The latter consideration is not a controlling one, but the condition of my health is such as to lead me to seriously doubt my strength to discharge the arduous duties of a Senator for California. I have deferred carrying out my desire until the present time, when both objects may be accomplished at once, and when the Legislature, just about to meet, may elect my successor.

"Very respectfully,

"E. CASSERLY."

NEWTON BOOTH,  
Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Lindsey—An Act to provide for the appointment of additional Notaries Public in the Counties of Fresno, Tulare, and Humboldt.

Read first and second times and ordered on file.

Also, an Act to separate the office of County Recorder from the office of County Clerk in the County of Tulare.

Read first and second times and ordered on file.

By Mr. Tuttle—Proposed amendment to section second, Article IV, of the Constitution of the State of California.



The Senate and Assembly of the State of California, at the twentieth session of the Legislature thereof, do propose the following amendment to the Constitution of the State:

Section second of Article IV is amended so as to read as follows:

The sessions of the Legislature shall be biennial, and shall commence on the second Tuesday of January next ensuing the election of its members, unless the Governor of the State shall in the interim convene the Legislature by proclamation.

No session shall continue longer than ninety days.

Read first and second times and ordered on file.

By Mr. Keys—An Act to amend section seventy of the Code of Civil Procedure.

Read first and second times, and referred to the delegation of the Thirteenth Judicial District.

By Mr. Finney—An Act directing the Controller to advertise in a newspaper published in the County of Stanislaus the sale of certain lands, the title of which is vested in the State of California.

Read first and second times and placed on file.

Also, an Act to enforce the education of children.

Read first and second times, placed on file, and ordered printed.

By Mr. McKusick—An Act for the purchase of stationery, blank books, light, fuel, furniture, etc., for State officers and members and officers of the Legislature.

Read first and second times and placed on file.

Mr. Roach offered a joint resolution, providing for the cheapening of telegraphic communication.

Read first and second times and ordered on file.

By Mr. Edgerton—A joint resolution concerning the transportation on railways.

Read first and second times and placed on file.

#### MOTIONS AND RESOLUTIONS.

Mr. Hopkins offered the following:

*Resolved*, That there be added to the Standing Committees of the Senate a Committee on Irrigation, to whom shall be referred all matters relative to water and irrigation; that said committee shall consist of seven members.

Adopted.

Mr. Irwin offered the following:

*Resolved*, That the following named persons be and they are hereby allowed the sums set opposite their names respectively, for services rendered during the organization of the present Senate, to be paid out of the appropriation for the contingent expenses of the Senate:

T. J. Shackleford, three days services as Assistant Clerk.....	\$24 00
Rev. J. H. C. Bonte, as Chaplain.....	15 00

Adopted.

On motion of Mr. Pendegast, Senate Bill No. 4 was taken up.

Mr. Pendegast offered an amendment.

The bill was laid on the table.

## NOTICE.

Notice of bill was given as follows:

By Mr. McKusick—For an Act in reference to the sale by the State of the sixteenth and thirty-sixth sections on mineral lands.

## RESOLUTION.

Mr. Pendegast offered the following:

*Resolved*, That the Committee on the Judiciary of the Senate be and they are hereby instructed to consider and report upon the following questions, at their earliest possible convenience:

First—What amount of money, if any, has the present Board of Examiners, and each member thereof, drawn from the treasury as payment or salary for services as members of said Board.

Second—If any moneys have been so drawn, was the act of said officers in drawing the same in conformity to the Constitution and laws of the State, or otherwise.

Adopted.

At five minutes to three o'clock P. M., on motion of Mr. Tuttle, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, December 9th, 1873. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS OF COMMITTEES.

Mr. Evans submitted the following report:

MR. PRESIDENT: Your Committee on Standing Rules of the Senate, after a careful examination, beg leave to report, and recommend the adoption of the Standing Rules of the last session, with a slight change in Rule 19, herewith reported.

Your committee have not been able, as yet, to meet with the House Committee on Joint Rules, and therefore ask further time to report thereon.

EVANS,  
FARLEY,  
LAINE.

Report received and adopted.

Rule 19 amended to read as follows:

**RULE 19.** All committees of the Senate, special and standing, and all joint committees on the part thereof, shall be appointed by the Senate, unless otherwise specially ordered.

# *STANDING RULES OF THE SENATE.*

## OPENING OF THE DAILY SESSIONS.

### 1.

The time of meeting of the Senate shall be eleven o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting.

### 2.

The President shall call the Senate to order at the stated hour, and if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

### 3.

A President pro tem. shall be elected, who shall, in the absence of the President, take the Chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate. When the Senate is equally divided, the Secretary shall take the decision of the President.

## DUTY OF MEMBERS TO GIVE ATTENDANCE.

### 4.

No member shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate or of less than a quorum thereof shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of members absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms or other person to whom such process may be directed shall have power to use such force as may be necessary to

compel the attendance of such absent member, and for this purpose he may command the force of the county or of any county in the State.

#### ORDER OF BUSINESS.

##### 5.

After the reading and approving of the Journal the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Second Reading and Commitment of Bills.
7. Introduction and First Reading of Bills.
8. Motions, Resolutions, and Notices.
9. Business on the General File and Third Reading of Bills.
10. Unfinished Business of the preceding day.
11. Special Orders of the day.
12. Reports from the Committees on Enrollment and on Engrossment shall at all times be in order.

*Provided*, that messages from the Governor, State officers, and from the Assembly may, on motion of any Senator, be considered at any time.

##### 6.

The General File shall be the special order for each day from twelve o'clock until two P. M., unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

##### 7.

The Secretary shall post, each morning, in a conspicuous place, a list of all bills upon the General File, giving their order, and also setting forth their number, and so much of their title as necessary to enable Senators to understand their general purport.

##### 8.

All questions relating to the priority of business shall be decided without debate.

#### BILLS.

##### 9.

If objection be made to the introduction of a bill, except on report of a committee, or on previous notice, it shall lie over one day, unless the Senate, by a two-thirds vote, direct otherwise.



## 10.

Every bill shall receive three readings previous to its being passed. The President shall give notice at each, whether it be the first, second, or third, which reading shall be on different days, unless the Senate, by a two-thirds vote, direct otherwise; *provided*, that upon the first reading of a bill, if no objection be made, it may, without delay, be read a second time by title, and be committed or placed on the General File. No bill shall be amended or committed until twice read.

## 11.

All bills, on a second reading, shall be considered by the Senate in the same manner as if the Senate was in Committee of the Whole, before they shall be taken up and proceeded on by the Senate agreeably to the Standing Rules, unless otherwise ordered.

## 12.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, and when, by order of the Senate, any Senate bill shall have been considered, engrossed, and passed, it shall be the duty of said committee to cause the same to be correctly engrossed and reported to the Senate; the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

## 13.

All bills, after the second reading (if the same be not committed, but if committed, then upon being reported), shall be placed upon a General File, and shall be taken up for consideration and passage in the order of their being placed on file; *provided*, that engrossed bills shall take precedence of bills not engrossed.

## AMENDMENTS AND SUBSTITUTES.

## 14.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment, and when adopted shall take place of the original bill or resolution, and shall be open to amendment.

## 15.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

## 16.

In filling up blanks, the least sum or number and the shortest time shall be put first.

## 17.

When an amendment to the Constitution, or any bill, requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendments, or extending to the merits, being short of the final question.

## COMMITTEES.

## 18.

The following Standing Committees shall be appointed:

1. Committee on Claims, to consist of five members.
2. Committee on Finance, to consist of five members.
3. Committee on Judiciary, to consist of nine members.
4. Committee on Elections, to consist of five members.
5. Committee on Public Lands, to consist of five members.
6. Committee on Commerce and Navigation, to consist of five members.
7. Committee on Federal Relations, to consist of five members.
8. Committee on State Hospitals, to consist of five members.
9. Committee on Mines and Mining Interests, to consist of seven members.
10. Committee on State Prison and Prison Buildings, to consist of five members.
11. Committee on Education, to consist of five members.
12. Committee on State Library, to consist of three members.
13. Committee on Mileage, to consist of three members.
14. Committee on Counties and County Boundaries, to consist of five members.
15. Committee on Corporations, to consist of five members.
16. Committee on Agriculture, to consist of five members.
17. Committee on Public Printing, to consist of five members.
18. Committee on Roads and Highways, to consist of three members.
19. Committee on Contingent Expenses of Senate, to consist of five members.
20. Committee on Military Affairs, to consist of five members.
21. Committee on Public Expenditures, to consist of five members.
22. Committee on Public Morals, to consist of five members.
23. Committee on Engrossed Bills, to consist of six members.
24. Committee on Enrolled Bills, to consist of six members.
25. Committee on Internal Improvements, to consist of five members.
26. Committee on Swamp, Overflowed, and Tide Lands, to consist of five members.
27. Committee on Public Buildings (other than prison buildings), to consist of five members.
28. Committee on State and County Revenue, to consist of five members.

## 19.

All committees of the Senate, Special and Standing, and all Joint Committees on the part thereof, shall be appointed by the Senate, unless otherwise specially ordered.

## 20.

No committee, standing or special, shall elect a clerk or sergeant-at-arms without first obtaining the consent of the Senate.

## 21.

When a resolution shall be offered or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

## 22.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

## ORDER.

## 23.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

## 24.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing if desired by the President or any member, and read by the Secretary before the same shall be debated. A motion may be withdrawn at any time before amendment.

## 25.

When the reading of a paper is called for (except petitions), and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

## 26.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No member

shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation), to the exclusion of another who has not spoken.

## 27.

When two or more members rise at once, the President shall name the member who is to speak first.

## 28.

When a member shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any member. If the member be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

## QUESTION.

## 29.

The final question upon the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall it be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, but it shall, at all times, be in order before the final passage of any such bill to move its commitment under special instructions.

## 30.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present, and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

## 31.

On a motion for the previous question, and under the previous question, there shall be no debate. And all incidental questions of order, arising after a motion is made for the previous question (or while acting under the previous question), shall be decided, whether on appeal or otherwise, without debate.

## 32.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put, shall declare openly, and without debate, his assent



or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

## 33.

When any member is absent without the bar of the Senate when his name is called on the call of ayes and noes on any vote about to be taken, his vote shall not be received unless unanimously agreed to by the members present; nor shall a member be counted, on a division of a vote, who is absent without the bar of the Senate without leave.

## RECONSIDERATION.

## 34.

When a question has been once put and decided, it shall be in order for any member voting in the majority to move for the reconsideration thereof, and such motion shall take precedence of all other questions, except a motion to adjourn; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate; nor after the usual message shall have been sent from the Senate, announcing its decision; nor shall any motion for a reconsideration of a vote, making a final disposition of any bill or resolution, be made on the day on which the same was taken; nor shall any question be reconsidered more than once.

## 35.

No motion to reconsider shall be entertained at a later period than the next day of the actual session of the Senate after the vote to be reconsidered has been taken; nor then, unless notice of intention to move a reconsideration shall have been given by some Senator on the same day when such vote was taken; but when any vote shall be reconsidered, the Senate may at the same time proceed to reconsider any previous vote or order in relation to the same bill or resolution without further notice. No notice of intention to move a reconsideration shall be given on the day next preceding the last day of the session.

## 36.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

## JOURNAL.

## 37.

The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

## 38.

The proceedings of the Senate when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall also be inserted in the Journal.

## RULES.

## 39.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

## 40.

In all cases not provided for by these rules, the Senate shall be governed by the law and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

## 41.

No rule shall be suspended without the concurrence of two thirds of the members present, and no additional rule or amendment of a rule shall be made without giving at least one day's notice and the concurrence of two thirds of the members present; *provided*, that no rule requiring unanimous consent shall be suspended by operation of this rule.

## POWERS OF THE PRESIDENT.

## 42.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, bills, etc., of the Senate; he shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

## 43.

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole Senate) shall have power to order the same to be cleared.

## 44.

The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

## SERGEANT-AT-ARMS.

45.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and releasement, and for traveling expenses for himself and special messenger going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his pay per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members, to prepare checks, and, if required so to do, draw the money on such checks for the members (the same being previously signed by the President and indorsed by the member or person to whom the check is made), and pay over the same to the member or person entitled thereto.

## MESSENGERS.

46.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are calling, or while the ballots are counting.

## DOORKEEPER.

47.

It shall be the duty of the Doorkeeper to prohibit all persons except Senators, members of the Assembly, officers of the two Houses, and such reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless invited by the Senate through the President, and to arrest for contempt all persons outside the bar or in the gallery found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

## EXECUTIVE NOMINATIONS.

48.

When nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be, unless the Senate shall, by a majority vote, otherwise direct, acted upon at once.

## PRINTING.

49.

No bill or other matter shall be printed without first being specially ordered by the Senate, and the Sergeant-at-Arms shall certify to the

reception by the Senate of all such printed matter, and the quantity, before payment shall be made or bills audited; and maps accompanying documents shall not be printed under the general order to print without the special direction of the Senate.

## 50.

Two hundred and forty (240) copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

## SECRET SESSION.

## 51.

On a motion made and seconded to close the doors of the Senate on the discussion of any business which may in the opinion of the Senate require secrecy, the President shall require all persons except the members, Secretaries, Sergeant-at-Arms, and Doorkeeper of the Senate to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

## 52.

No Assistant Clerk or Clerks shall be appointed by the Senate for the Enrolling Clerk or Engrossing Clerk, unless upon a written request and recommendation, addressed to the Chairman of the Committee on Contingent Expenses, by such officer, for their respective offices, and with the consent of their respective committees; which request and recommendation shall be reported to the Senate with or without the approval of said committee; and no Assistant Copying Clerk or Clerks shall be appointed by the Senate for the Copying Clerks or Journal Clerk, unless upon a written request and recommendation of such officers, addressed to the Chairman of the Committee on Contingent Expenses, who shall report the same to the Senate with or without the approval of said committee; and, furthermore, that no clerk or clerks shall be appointed by the Senate for any committee or committees, unless upon a written request and recommendation, signed by a majority of the committee or committees desiring such clerk, addressed to the Chairman of the Committee on Contingent Expenses, who shall report the same to the Senate with or without the approval of said committee.

## REPORTS OF COMMITTEES.

By Mr. Keys:

Mr. PRESIDENT: The Merced delegation, to whom was referred Senate Bill No. 12—An Act entitled an Act to provide for the building and furnishing of a Court House, offices, and Jail, in Merced County, and for improving the Court House grounds—respectfully report the bill back, with an amendment to section twenty-one; recommend the adoption of the amendment, and the passage of the bill.

KEYS, of Delegation.



By Mr. Keys:

MR. PRESIDENT: The delegation representing the counties composing the Thirteenth Judicial District, to whom was referred Senate Bill No. 15—An Act entitled An Act to amend section seventy of the Code of Civil Procedure—respectfully report the same back and recommend its passage.

KEYS,  
LINDSEY.

On motion of Mr. Keys, the bill above reported was taken up.  
Rules suspended, considered in Committee of the Whole.

#### IN SENATE.

Considered engrossed, read third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Edgerton—An Act to amend section four hundred and thirteen of the Political Code, so as to provide for sealed proposals for, and the award of, contracts to supply fuel, lights, and stationery for the State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Finney—An Act to exempt certain firemen from the payment of poll tax.

Read first and second times, and placed on file.

By Mr. Edgerton—An Act to repeal certain Acts concerning roads and highways in the County of Sacramento, and to provide for a Commissioner of Highways in said county.

Read first and second times, and referred to the Sacramento delegation.

#### MOTIONS AND RESOLUTIONS.

Mr. Keys offered the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Senate be and he is hereby authorized to appoint a clerk, at a per diem of eight dollars, his appointment to date from the organization of the Senate.

Mr. Fraser offered an amendment, to strike out eight dollars, and insert a per diem of five dollars, on which the ayes and noes were demanded by Messrs. Evans, Fraser, and Lindsey, and the amendment was adopted by the following vote:

AYES—Messrs. Bartlett, Boggs, Crane, De Haven, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Perkins, Roach, Spencer, Turner, and Tuttle—33.

NOES—Messrs. Andross, Beck, Bush, Duffy, Dyer, Keys, and Pendegast—7.

The resolution as amended was adopted.

Mr. Keys offered a resolution, as follows:

*Resolved*, That the Sergeant-at-Arms be directed to furnish each Senator, the Lieutenant Governor, and the Secretary of the Senate, with six daily newspapers, published in this State, or their equivalent in weeklies, to be paid out of the appropriation for the Contingent Fund of the Senate.

Mr. Fraser offered the following amendment:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized to furnish each member of the Senate with three daily newspapers, or their equivalent in weeklies, and fifteen dollars' worth of postage stamps, payable out of the Contingent Fund of the Senate.

Mr. Gibbons offered an amendment to the amendment, as follows:

"Who may demand the same in writing over his own signature."

Lost.

Mr. Duffy moved to amend by striking out all relating to postage stamps, on which the ayes and noes were demanded by Messrs. Laine, Duffy, and Fraser, and the amendment was adopted by the following vote:

AYES—Messrs. Andross, Beck, Boggs, Bush, Crane, Duffy, Dyer, Edgerton, Evans, Farley, Finney, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Spencer, Turner, and Tuttle—24.

NOES—Messrs. Bartlett, De Haven, Eakin, Fraser, Keys, and Roach—6.

Mr. O'Connor moved to indefinitely postpone the whole matter, on which the ayes and noes were demanded by the requisite number, and the motion prevailed by the following vote:

AYES—Messrs. Bartlett, Boggs, Bush, Crane, Duffy, Edgerton, Finney, Garratt, Graves, Hendricks, Keys, Laine, Lindsey, Martin, McCoy, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Spencer, and Turner—24.

NOES—Messrs. Andross, Beck, De Haven, Dyer, Eakin, Evans, Farley, Fraser, Gibbons, Goodale, Hopkins, Irwin, Kent, McCune, Roach, and Tuttle—16.

Mr. Duffy offered a resolution, as follows:

*Resolved*, That the Sergeant-at-Arms be directed to furnish each Senator and the Lieutenant Governor with fifteen dollars worth of postage stamps, to be paid for in currency, out of the Contingent Fund of the Senate.

Mr. O'Connor moved to indefinitely postpone the resolution, on which the ayes and noes were demanded by Messrs. O'Connor, Laine, and Lindsey, and the motion prevailed by the following vote:

**AYES**—Messrs. Andross, Bartlett, Beck, Bush, Crane, Edgerton, Evans, Farley, Gibbons, Goodale, Graves, Lane, Lindsey, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Perkins, and Spencer—21.

**NOES**—Messrs. Boggs, De Haven, Duffy, Dyer, Eakin, Finney, Fraser, Garratt, Hendricks, Hopkins, Irwin, Kent, Keys, Martin, McCoy, Pendegast, Roach, Turner, and Tuttle—19.

Mr. Edgerton offered the following resolution:

*Resolved*, That a committee of three be appointed by the President of the Senate to inquire concerning the fitness and responsibility of the various aspirants for the positions of Mail Carrier and Porter of the Senate committee rooms, and to report to-morrow the name of such responsible person as will discharge the duties of both those positions for the lowest reasonable sum.

Lost.

Mr. Crane offered the following resolution:

**WHEREAS**, Under section three hundred and thirty-four of the Political Code there is required to be printed twenty-four hundred copies of the report of the State Board of Equalization, of which two hundred copies, as is provided by section three hundred and thirty-five of said Code, is by the State Printer to be delivered to said Board, and one third (which is seven hundred) of the remainder to the order of the Sergeant-at-Arms of the Senate; and it appearing to this body that six hundred copies are sufficient for its use; therefore, be it

*Resolved*, That upon the receipt of the reports of the State Board of Equalization, by the Sergeant-at-Arms of the Senate, he shall immediately deliver to the office of said Board one hundred copies of the same.

Adopted.

Mr. Hendricks offered a concurrent resolution, as follows:

*Resolved by the Senate, the Assembly concurring*, That a committee of two members of the Senate, and three of the Assembly, be appointed to investigate the progress and purpose of the State Geological Survey, and report upon the propriety of further appropriation for the same, and whether it is to be intended or can be made beneficial to the practical industries of the State.

Amended, on motion of Mr. Evans, providing that the President appoint the Senate Committee.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. McKusick, Duffy, and McMurry, and the resolution was adopted by a vote as follows:

**AYES**—Messrs. Bartlett, Beck, Bush, Crane, Dyer, Eakin, Edgerton, Finney, Fraser, Garratt, Gibbons, Graves, Hendricks, Hopkins, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McMurry, O'Connor, Perkins, Roach, Spencer, Turner, and Tuttle—28.

NOES—Messrs. Duffy, Farley, Goodale, McKusick, Oulton, and Pendergast—6.

Mr. McMurry offered a resolution to appoint William O'Brien Mail Carrier for the Senate, which, by consent, was withdrawn by its author.

When, on motion of Mr. Edgerton, the vote rejecting the resolution providing that the President of the Senate appoint a committee of three to decide upon the fitness of aspirants for Mail Carrier and a Porter for committees, was reconsidered.

Mr. Boggs moved to amend the resolution, as follows: "Providing that the compensation of Mail Carrier shall not exceed forty dollars per month."

Agreed to.

When the resolution as amended was adopted.

The President appointed as such committee Messrs. Edgerton, Tuttle, and Finney.

At twelve o'clock and fifty minutes P. M., on motion of Mr. Evans, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, December 10th, 1873. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS OF COMMITTEES.

Mr. Evans submitted the following report:

MR. PRESIDENT: The Committee on Joint Rules of the Senate and Assembly beg leave to report and recommend the adoption of the joint rules of the last session, with the following amendment to rule twenty: Insert in line one, after the first word "No," the words, "Extra pay nor."

EVANS,  
LAINE,  
Senate Committee.

AMERMAN,  
DIXON,  
A. HIGBIE,  
House Committee.

Adopted.



## JOINT RULES.

## 1.

In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by their respective Chairmen, and shall confer upon the differences between the two Houses, and shall report as early as convenient the result of their conference to their respective Houses for their action.

## 2.

When a message shall be sent from either House it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

## 3.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

## 4.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

## 5.

After a bill shall have passed both Houses it shall be duly enrolled by the Enrolling Clerk of the Assembly or of the Senate, as the bill may have originated in the one or the other House, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, before it shall be presented to the Governor of the State.

## 6.

When bills are enrolled they shall be examined by the Enrolling Committee of the House in which they originate, who shall carefully compare the enrollment with the engrossed bill as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

## 7.

After examination and report each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

## 8.

After a bill shall have thus been signed in each House it shall be presented by the Enrolling Committee of the House in which it originated to the Governor of the State for his approval (it being first indorsed on the back of the roll by the Secretary or Clerk, as the case may be, certifying in which House the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journals of the House in which the bill originated.

## 9.

All orders, resolutions, and votes which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner and by the same committee as provided in the case of bills.

## 10.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

## 11.

When a bill or resolution which shall have passed in one House is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

## 12.

When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session without a notice of five days and leave of two thirds of that House in which it shall be renewed.

## 13.

Each House shall transmit to the other papers on which any bill or resolution shall be founded.

## 14.

After each House shall have once adhered to their disagreement a bill or resolution shall be lost.

## 15.

No bill or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approval on the last day of the session.

## 16.

No appropriations of money, for any purpose whatever, shall be made except by bill.

## 17.

Each House may order the printing of bills introduced and reports of its own committees, but no other printing shall be ordered except by a concurrent resolution passed by both Houses.

## 18.

There shall be a Joint Standing Committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

## 19.

No spirituous liquors shall be offered for sale or introduced within any portion of the building which is used for State purposes, or is under the control of this Legislature.

## 20.

No extra pay nor increase in the pay of any officer or attaché of the Senate or Assembly shall be made by resolution except by unanimous consent.

## 21.

All concurrent or joint resolutions which relate to or contain communications to the Federal Government, shall be treated in all respects as bills.

## 22.

Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted;" and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "concurred in;" and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

Mr. Edgerton submitted the following report:

MR. PRESIDENT: Your committee appointed to select and report to the Senate the name of some fit and responsible person to discharge the duties of Mail Carrier of the Senate and Porter of the Senate committee rooms, respectfully report the name of C. Moreno as a fit and responsible person for the position indicated, and recommend his appointment and the adoption of the accompanying resolution.

EDGERTON, Chairman Committee.  
TUTTLE,  
SELDEN J. FINNEY.

*Resolved*, That C. Moreno be and he is hereby appointed Porter of the Senate committee rooms and Mail Carrier of the Senate, at a compensation of (\$75) seventy-five dollars per month.

The resolution was adopted.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from his Excellency, the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 10th, 1873.

*To the Senate of the State of California:*

I have the honor to inform your honorable body that since the adjournment of the nineteenth session of the Legislature, I have made the following official appointments, and respectfully ask their confirmation:

April fourth, eighteen hundred and seventy-two—Samuel P. Wells, vice Badger, removed; Charles Nelson, vice McNeil, removed; A. Y. Trask, vice Noyes, removed, as "Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia."

August second, eighteen hundred and seventy-two—O. Harvey, vice Twitchell, term expired; Donald McLennan, vice Hewson, termed expired, as Directors of the Insane Asylum.

October eighteenth, eighteen hundred and seventy-two—E. B. Mott, Jr., Trustee of the State Library, vice J. W. Coffroth, deceased.

November twenty-seventh, eighteen hundred and seventy-two—Timothy L. Barker, Director of the Asylum for the Deaf, Dumb, and Blind, vice Brenham, resigned.

March fifth, eighteen hundred and seventy-three—R. K. Piobronski, Commissioner of Immigration, vice Stevenson, resigned.

March twenty-sixth, eighteen hundred and seventy-three—E. J. Crane, Director of the Asylum for the Deaf, Dumb, and Blind, vice Nicholson, resigned.

April nineteenth, eighteen hundred and seventy-three—A. B. Stout, member of the State Board of Health, vice Stone, resigned.

November eighth, eighteen hundred and seventy-three—Joseph Austin, Port Warden in and for the port of San Francisco, vice himself, term expired.

November twenty-fifth, eighteen hundred and seventy-three—D. D. Shattuck, Director of the Asylum for the Deaf, Dumb, and Blind, vice Linden, deceased.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December, 1873.

*To the Senate of the State of California:*

I herewith transmit to your honorable body a statement of the



amounts expended out of the appropriation for Special Contingent Fund of Governor's office, the record of which awaits your examination.

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Balance of appropriation for twenty-third fiscal year.....	\$1,455 00
Amount expended by me.....	970 57
Appropriation for twenty-fourth fiscal year.....	2,500 00
Amount expended by me.....	2,500 00

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NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December, 1873. }

*To the Senate of the State of California:*

I herewith transmit to your honorable body a list of claims allowed by the Board of Examiners, and the vouchers for which are in their office, awaiting an appropriation before being transmitted to the Controller. All of these claims have been allowed in accordance with the provisions of section six hundred and sixty-three, Political Code.

There being but one copy of the claims, I respectfully ask that the Assembly be informed of their receipt.

NEWTON BOOTH,  
Governor.

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Tide Land Commission—Salaries and expenses from August, 1872, to November 30th, 1873.....	\$31,494 79
George A. Blanchard—Six months salary as Clerk of the Board of Stamp Commissioners, from July to December 31st, 1872.....	300 00
Patrick Kearns—For reward in arresting and convicting Jno. G. Kelly and Isaac Hopkins, for betting on elections. (See Governor's Election Proclamation, October 1st, 1872, and Secs. 1054 and 1190, Political Code).....	200 00
Newton Benedict—For copying indices for Legislature of nineteenth session.....	102 43
John Timmins—For deficiency of salary of State Printing Expert for months of May and June, 1872.....	200 00
E. G. Jefferis—For deficiency of salary of State Printing Expert from November 1st, 1872, to December 1st, 1873..	1,300 00
The Legislature of last session appropriated thirty-six hundred dollars for payment of the salary of State Printing Expert (Stats. 1871-2, p. 745). The Supreme Court having held that the salary being fixed by Sec. 679 of the Political Code, the appropriation exceeding that amount was void.	
Register United States Land Office, Sacramento—To certify as to condition of one hundred and thirty quarter sections of land.....	130 00

The Act authorizing this expenditure will be found in Stats. 1869-70, p. 14. The Legislature of last session failed to make any appropriation for that purpose.	
W. F. B. Lynch—Expense as member of State Board of Education . . . . .	\$95 00
T. A. Talbert—To witness fees and mileage in the case of the People v. Horace Smith, in the District Court of the Eleventh District.....	680 00

The Act authorizing the payment of these claims will be found in Stats. 1861, p. 4.

NEWTON BOOTH,  
DRURY MELONE,  
JOHN L. LOVE,  
Board of Examiners.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December, 1873. }

*To the Senate of the State of California:*

I herewith transmit to your honorable body, in accordance with law, the report of the Board of Examiners on claims against the State, the settlement of which is not otherwise provided for by law.

There being but one copy of this report, I respectfully ask that the Assembly be informed of its receipt.

NEWTON BOOTH,  
Governor.

On motion of Mr. McMurry the further reading of the above report was dispensed with, and it was ordered printed.

Mr. Oulton moved that action on the appointments made by the Governor since the adjournment of the nineteenth session of the Legislature, as submitted in his message above, be made the special order for Friday, the twelfth instant, at twelve o'clock.

So ordered.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Edgerton—An Act to provide for the payment of the claim of C. Feldhusen against the State of California.

Read first and second times, and referred to the Committee on Claims.

By Mr. McCoy—An Act to amend an Act entitled An Act to legalize, ratify, and confirm deeds of conveyance and grants of land made by the municipal authorities of the City of San Diego, approved March ninth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Garratt—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the per diem and mileage of members of the Senate and Assembly, and their respective officers and employes.

Read first and second times; by unanimous consent, rules suspended, and the bill placed upon its final passage.

In Committee of the Whole, considered engrossed, read third time and passed.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Bartlett moved to take from the table a resolution to appoint a joint committee to visit San Francisco and examine into the affairs of the City Hall Commission.

Carried.

Mr. Bartlett offered the following substitute for the resolution:

*Joint Resolution concerning the City Hall Commission, the State Harbor Commission, and the city and county officers of the City and County of San Francisco.*

*Be it resolved by the Senate, the Assembly concurring, That a joint committee, consisting of three members of the Senate and five members of the Assembly, be appointed to visit San Francisco and examine into the affairs of the City Hall Commission, the State Harbor Commission, and also into the affairs of the several city and county offices of the City and County of San Francisco; and that said committee is hereby empowered to send for persons, records, and papers, and to administer oaths; provided, that no State, city, and county officer, or deputy, or clerk, or employé of any State or city and county officer, who may be summoned before said committee as a witness, shall receive any compensation therefor.*

Adopted as a substitute for the original resolution.

Mr. Edgerton moved to lay the resolution on the table.

Lost.

On the adoption of the resolution, as amended, the ayes and noes were demanded by Messrs. Farley, Duffy, and Oulton, and the Senate refused, by the following vote:

AYES—Messrs. Bartlett, Hendricks, and Roach—3.

NOES—Messrs. Andross, Beck, Boggs, Bush, Crane, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Spencer, Turner, and Tuttle—36.

At twelve o'clock and fifty minutes P. M., on motion of Mr. Edgerton, the Senate took a recess until two o'clock and thirty minutes, P. M.

#### REASSEMBLED.

The Senate reassembled at two o'clock and thirty minutes P. M.

President in the chair.

Roll called, and a quorum present.

Mr. Edgerton gave notice that on to-morrow he would move a reconsideration of the vote whereby the resolution concerning the City Hall Commissioners of San Francisco was rejected.

## MOTIONS, RESOLUTIONS, AND NOTICES RESUMED.

Mr. Pendegast offered a joint resolution, as follows:

*Resolved by the Senate, the Assembly concurring,* That our Senators in Congress be instructed, and our Representatives be requested, to use their influence to procure the establishment of a tri-weekly mail route from the Town of Middletown, in Lake County, via Glenbrook, to Uncle Sam, in the same county.

Read first and second times, and referred to the Committee on Federal Relations.

Mr. Duffy offered a resolution, as follows:

*Resolved,* That the President of the Senate be and is hereby empowered to appoint a Page, whose duty it shall be to attend to and at the desk of the presiding officer; said Page to receive for his services a per diem of three dollars, payable out of the Contingent Fund of the Senate.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Evans, Lindsey, and Fraser, and it was adopted by the following vote:

AYES—Messrs. Andross, Beck, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Farley, Garratt, Graves, Hopkins, Irwin, Kent, Keys, Martin, McCoy, Neff, O'Connor, Oulton, Pendegast, Roach, Spencer, and Tuttle—25.

NOES—Messrs. Bartlett, Boggs, Evans, Fraser, Goodale, Laine, Lindsey, McKune, McKusick, and Turner—10.

The President appointed as such Page, Leland G. English.

Mr. Irwin offered the following resolution:

*Resolved,* That Harry Jones be and he is hereby allowed the sum of sixteen dollars (\$16), for four days services as Rear Porter, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

Mr. O'Connor offered a joint resolution, as follows:

A joint resolution relative to an amendment to the Constitution of the United States.

Read first and second times, and referred to the Committee on Federal Relations.

## SENATE COMMITTEES.

Mr. Pendegast offered the following:

*Resolved,* That Messrs. Farley, Edgerton, Pendegast, Laine, Graves, De Haven, O'Connor, Hopkins, and Bartlett be and are hereby appointed and elected the Committee on Judiciary.

That Messrs. Perkins, McMurtry, McCune, Fraser, and O'Connor be and are hereby appointed and elected the Committee on Claims.



That Messrs. Irwin, McKusick, Evans, Bartlett, and Tuttle be and are hereby appointed and elected the Committee on Finance.

That Messrs. Turner, Irwin, Hopkins, O'Connor, and Bush be and are hereby appointed and elected the Committee on Elections.

That Messrs. Lindsey, McKusick, Boggs, De Haven, and Pendegast be and are hereby appointed and elected the Committee on Public Lands.

That Messrs. Roach, Perkins, Duffy, McCoy, and Bartlett be and are hereby appointed and elected the Committee on Commerce and Navigation.

That Messrs. Finney, Gibbons, Graves, Eakin, and Crane be and are hereby appointed and elected Committee on Federal Relations.

That Messrs. Keys, Goodale, Martin, Bush, and Perkins be and are hereby appointed and elected Committee on Hospitals.

That Messrs. Hendricks, Bush, Turner, McMurry, Neff, Eakin, and Fraser be and are hereby appointed and elected Committee on Mines and Mining Interests.

That Messrs. Neff, McCoy, De Haven, Edgerton, and Tuttle be and are hereby appointed and elected Committee on State Prison.

That Messrs. Finney, Irwin, Tuttle, Dyer, and Gibbons be and are hereby appointed and elected Committee on Education.

That Messrs. Edgerton, Andross, and Farley be and are hereby appointed and elected Committee on State Library.

That Messrs. Spencer, Beck, and Keys be and are hereby appointed and elected Committee on Mileage.

That Messrs. Farley, Evans, Graves, Laine, and Dyer be and are hereby appointed and elected Committee on Corporations.

That Messrs. Boggs, Turner, Kent, Pendegast, and McCune be and are hereby appointed and elected Committee on Counties and County Boundaries.

That Messrs. Finney, Keys, McCoy, McCune, and Spencer be and are hereby appointed and elected Committee on Agriculture.

That Messrs. McKusick, Irwin, Roach, Crane, and Laine be and are hereby appointed and elected Committee on Public Printing.

That Messrs. Duffy, Martin, and Eakin be and are hereby appointed and elected Committee on Roads and Highways.

That Messrs. Garratt, Lindsey, Goodale, Hendricks, and McMurry be and are hereby appointed and elected Committee on Contingent Expenses.

That Messrs. Andross, Evans, Roach, Edgerton, and Kent be and are hereby appointed and elected Committee on Military Affairs.

That Messrs. Perkins, Beck, Laine, Hopkins, and Fraser be and are hereby appointed and elected Committee on Public Expenditures.

That Messrs. Crane, Lindsey, Dyer, Goodale, and Tuttle be and are hereby appointed and elected Committee on Public Morals.

That Messrs. Tuttle, Neff, Bush, Beck, De Haven, and Hendricks be and are hereby appointed and elected Committee on Engrossed Bills.

That Messrs. McKusick, McMurry, Andross, Duffy, McCune, and Martin be and are hereby appointed and elected Committee on Enrolled Bills.

That Messrs. Spencer, Kent, Gibbons, Boggs, and McCoy be and are hereby appointed and elected Committee on Internal Improvements.

That Messrs. Boggs, Hendricks, Lindsey, McCune, and Duffy be and are hereby appointed and elected Committee on Swamp and Overflowed Lands.

That Messrs. McMurry, Boggs, Garratt, Beck, and Pendegast be and

are hereby appointed and elected Committee on Public Buildings other than prison buildings.

That Messrs. Neff, Perkins, O'Connor, Laine, and Farley be and are hereby appointed and elected Committee on State and County Revenue.

That Messrs. Hopkins, Lindsey, McCune, Fraser, Farley, Keys, and Evans be and are hereby appointed and elected Committee on Irrigation and Water Rights.

That Messrs. Edgerton and Finney be and are hereby appointed and elected Joint Committee on Retrenchment.

*Resolved, further,* That each of the Standing Committees be authorized and empowered to elect their own Chairman.

The resolutions were adopted.

Mr. Edgerton offered the following:

*Resolved,* That Senator Lindsey be and he is hereby added to the Committee on Judiciary. Also, that Senator Irwin be and he is hereby added to the Committee on Corporations.

Laid over one day, under the rule.

On motion of Mr. Tuttle, Senate Bill No. 14, providing for an amendment to the Constitution, changing the time of meeting of the Legislature, was taken up under a suspension of the rules.

Referred to the Judiciary Committee.

On motion of Mr. Finney, Senate Bill No. 3—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of San Mateo County to settle certain claims against said county, approved April first, eighteen hundred and seventy-two—was taken up.

Rules suspended, considered engrossed, read a third time, and passed.

Senate Bill No. 1—An Act giving the consent of the Legislature to Cornelius Finley, County Clerk of Santa Clara County, in the State of California, to absent himself from said State for a period not exceeding sixty days.

Rules suspended, considered engrossed, read a third time, and passed.

Senate Joint Resolution No. 3—Asking Congress to grant to the people of the State of California the right to use the waters of the State for the general good of the people, and not for private purposes and speculation—was taken up, on motion of Mr. Lindsey.

Referred to the Committee on Irrigation.

On motion of Mr. Pendegast, Senate Bill No. 4—An Act to amend section four thousand one hundred and nine of the Political Code of the State of California—was taken from the table.

Amendment proposed to the bill withdrawn by consent, when the bill was ordered engrossed.

At three o'clock and twenty-five minutes, on motion of Mr. Duffy, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Thursday, December 11th, 1873. }

Senate met pursuant to adjournment.  
The President in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
Sacramento, December 10th, 1873. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 3—Providing for a joint committee of three from each House to confer with the Capitol Commissioners to arrange for a restaurant in the Capitol building.

Also, amended and adopted Senate Joint Resolution No. 8—To appoint a Joint Committee on Geological Survey.

Also, on the eighth instant, refused to adopt Senate Joint Resolution No. 5—To authorize Wm. F. Swimley to keep a restaurant in the basement of the Capitol building.

WEBBER,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly amendment to Senate Joint Resolution No. 8, above reported, was concurred in.

Assembly Concurrent Resolution No. 3, above reported, was referred to the Committee on Public Buildings and Grounds.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to amend section one thousand one hundred and seventy-four of the Penal Code of the State of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Boggs—An Act to amend section two thousand four hundred and sixty-six of the Code of Civil Procedure concerning pilot regulations for San Francisco, Mare Island, Vallejo, and Benicia.

Read first and second times, and referred to the Committee on Commerce and Navigation.

## REPORT.

Mr. Tuttle submitted a report, as follows:

Mr. PRESIDENT: The Committee on Engrossment have examined and found correctly engrossed Senate Bill No. 15—An Act to amend section seventy of the Code of Civil Procedure.

Also, Senate Bill No. 24—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the per diem and mileage of members of the Senate and Assembly, and their respective employes.

Also, Senate Bill No. 4—An Act to amend section forty-one hundred and nine of the Political Code of the State of California.

TUTTLE,  
For the Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Edgerton, in accordance with previous notice, moved to reconsider the vote whereby the Senate refused to adopt a resolution introduced by Mr. Bartlett, concerning the San Francisco City Hall Commission, etc.

The motion was made the special order for Wednesday, the seventeenth instant, at one o'clock P. M.

Mr. Kent offered a resolution providing for the appointment of Mrs. William Neely Johnson as an Assistant Copying Clerk.

On motion of Mr. De Haven, referred to the Committee on Contingent Expenses.

On motion of Mr. Evans, Senate Bill No. 9—An Act to provide for the assessment of encumbered real estate—was taken from the file, and referred to the Judiciary Committee.

Senate Bill No. 6—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—was, on motion of Mr. Laine, referred to the Judiciary Committee.

Mr. Boggs offered a joint resolution in reference to procuring an appropriation from the General Government for the purpose of removing obstructions from the navigable rivers of the State.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Irwin offered the following:

*Resolved*, That the resolution adopted by the Senate on the fifth instant, providing for the payment of Porters, Pages, etc., for services rendered during the organization of the Senate, be and it is hereby amended by striking out the words "Jacob Webb," and inserting the words "Joshua Webb."

Adopted.

The resolutions offered by Mr. Edgerton on yesterday were taken up, amended to read as follows, and adopted:

*Resolved*, That Senators Lindsey and Oulton be and they are hereby added to the Committee on Judiciary.

*Resolved*, That Senators Irwin and Turner be and they are hereby added to the Committee on Corporations.



## GENERAL FILE.

Senate Bill No. 5—An Act to amend the Code of Civil Procedure, respecting exemption of property from execution.

Also, Senate Bill No. 11—An Act to repeal an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March thirteenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 12—An Act to provide for the appointment of additional Notaries Public in the Counties of Fresno, Tulare, and Humboldt.

Also, Senate Bill No. 16—An Act directing the Controller to advertise in a newspaper published in the County of Stanislaus of the sale of certain lands, the title of which is vested in the State of California.

Taken from the file, and referred to the Judiciary Committee.

Senate Bill No. 7—An Act defining the legal distances from the county seat of Ventura County to Sacramento, Stockton, and San Quentin.

Also, Senate Bill No. 8—An Act to repeal an Act concerning roads in the Counties of Santa Barbara and San Luis Obispo, passed February twenty-first, eighteen hundred and seventy-two.

Taken from the file, and referred to the delegations from the counties named in the bills.

Senate Bill No. 13—An Act to separate the office of County Recorder from the office of County Clerk in the County of Tulare.

Referred to the Committee on State and County Revenue.

Senate Joint Resolution No. 4—To promote the interests of agriculture.

Referred to the Committee on Agriculture.

Senate Bill No. 17—An Act to provide for the purchase of stationery, blank books, light, fuel, furniture, etc., for the State officers, and members and officers of the Legislature.

Referred to the Committee on Public Expenditures.

Senate Bill No. 18—An Act to enforce the education of children.

Referred to the Committee on Education.

Senate Joint Resolution No. 6—To cheapen telegraphic communication.

Referred to the Committee on Federal Relations.

Senate Joint Resolution No. 7—Relative to rates of transportation on railways.

On motion of Mr. Edgerton, made the special order for two o'clock P. M.

At twelve o'clock M., on motion of Mr. Pendegast, the Senate took a recess until two o'clock P. M.

## REASSEMBLED.

At two o'clock P. M., Senate met, pursuant to adjournment.

President in the chair.

Roll called, and quorum present.

Mr. Farley presented a petition in relation to the contested election case of Gildea vs. Fraser, and moved that it be placed on file, with other papers heretofore introduced upon the same subject.

So ordered.

## SPECIAL ORDER FOR TWO O'CLOCK P. M.

Senate Joint Resolution No. 7—Relative to rates of transportation on railways.

On motion of Mr. Farley, the resolution was laid on the table.

## MILEAGE.

Mr. Beck offered the following report:

Mr. PRESIDENT: The committee on mileage would respectfully report the following amounts due the Senators for mileage as allowed by law:

Names.	Miles.	Amount.
Andross.....	230	\$34 50
Bartlett.....	234	35 10
Beck.....	522	78 30
Boggs.....	170	25 50
Bush.....	1,100	165 00
Crane.....	164	24 60
De Haven.....	750	112 50
Duffy.....		
Dyer.....	174	26 10
Eakin.....	125	18 75
Edgerton.....		
Evans.....	90	13 50
Farley.....	110	16 50
Finney.....	560	54 00
Fraser.....	100	15 00
Garratt.....	234	35 10
Gibbons.....	286	42 90
Goodale.....	374	47 10
Graves.....	670	100 50
Hendricks.....	162	24 30
Hopkins.....	150	22 50
Irwin.....	700	105 00
Kent.....	138	20 70
Keys.....	210	31 50
Laine.....	300	45 00
Lindsey.....	500	75 00
Martin.....	146	21 90
McCoy.....	1,500	225 00
McCune.....	146	21 90
McKusick.....	140	21 10
McMurry.....	510	76 50
Neff.....	70	10 50
O'Connor.....	130	19 50
Oulton.....	234	35 10
Pendegast.....	120	18 00
Perkins.....	150	22 50

Names.	Miles.	Amount.
Roach.....	234	\$35 10
Spencer.....	190	28 50
Turner.....	280	42 50
Tuttle.....	260	39 00
Mr. President.....	670	100 50

THOMAS BECK,  
T. J. KEYS,  
S. SPENCER,  
Committee on Mileage.

Adopted.

#### GENERAL FILE RESUMED.

Senate Bill No. 10—An Act to provide for the building of and furnishing a Court House, offices, and Jail, in Merced County, and for improving the Court House grounds.

Considered in Committee of the Whole, amendment adopted, and ordered engrossed.

Senate Bill No. 20—An Act to exempt certain firemen from the payment of poll tax.

Referred to the Judiciary Committee.

Mr. Evans moved that the Senate Rules, as amended, and the Joint Rules of the Senate and Assembly, as amended, together with the lists of Senate Committees, be printed.

So ordered.

At two o'clock and twenty-five minutes P. M., on motion of Mr. Neff, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER. }  
Friday, December 12th, 1873. }

The Senate met pursuant to adjournment.

Mr. Irwin, President pro tem., in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### PETITION.

Mr. Tuttle offered a petition of citizens of Petaluma, requesting the passage of an Act amending the charter of said city, that the Board of Trustees thereof shall have power to levy a tax of one half of one per cent instead of one per cent, as at present.

Laid on the table.

## REPORT.

Mr. Neff made a report, as follows:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 3—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of San Mateo County to settle certain claims against said county, approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No. 1—An Act giving the consent of the Legislature to Cornelius Finley, County Clerk of Santa Clara County, in the State of California, to absent himself from said State for a period not exceeding sixty days.

NEFF,  
Chairman.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
December 11th, 1873. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the tenth instant, passed, under suspension of the rules, Assembly Bill No. 4—An Act to repeal an Act entitled an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties.

Also, under suspension of the rules, Assembly Bill No. 10—An Act entitled an Act for laying out, altering, and vacating public roads in the County of Marin, approved April second, eighteen hundred and sixty-six.

Also, an Act entitled an Act concerning roads in the County of Marin, approved March thirtieth, eighteen hundred and sixty-eight.

Also, under suspension of the rules, Assembly Bill No. 16—An Act to amend an Act entitled an Act to change the manner of electing Supervisors in the County of Del Norte, and prescribing the method thereof.

WEBBER,  
Assistant Clerk.

Assembly Bill No. 4, above reported, was read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 10, above reported, read first and second times, and ordered on file.

Assembly Bill No. 16, above reported, read first and second times, and referred to the Judiciary Committee.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Pendegast—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.



By Mr. Finney—An Act to repeal the special road laws of San Mateo County.

Read first and second times, and ordered on file.

Also, an Act to amend section one hundred and ninety of the Penal Code, and to abolish capital punishment.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Laine—An Act concerning conveyances in the County of Santa Barbara.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Edgerton—An Act authorizing the State Treasurer to dispose of sixty-five thousand (\$65,000) dollars United States five-twenties, now held in trust for the University Fund, and to purchase State bonds of the funded debt of eighteen hundred and seventy-three.

Read first and second times, and referred to the Committee on Finance.

By Mr. O'Connor—An Act to amend section two hundred and sixty-eight of the Political Code.

Read first and second times, and referred to the Committee on Public Expenditures.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Pendegast offered a resolution, as follows:

*Resolved*, That the Committee on Judiciary be hereby authorized to appoint a clerk, at a per diem of eight dollars, payable out of the appropriation for the contingent expenses of the Senate, payment to date from appointment.

Adopted.

Mr. McKusick offered the following resolution:

*Resolved*, That no assistant clerk or clerks be appointed by the Senate for the Enrolling Clerk or Engrossing Clerk, unless upon a written request and recommendation addressed to the Chairman of the Committee on Contingent Expenses, by such officers, for their respective offices, and with the consent of their respective committees; which request and recommendation shall be reported to the Senate, with or without the approval of said committee; and no assistant Copying Clerk or Clerks shall be appointed by the Senate for the Copying Clerks or Journal Clerk, unless upon a written request and recommendation of such officers, addressed to the Chairman of the Committee on Contingent Expenses, who shall report the same to the Senate, with or without the approval of said committee; and, furthermore, that no clerk or clerks be appointed by the Senate for any committee or committees desiring such clerk, unless upon a written request and recommendation signed by a majority of the committee or committees desiring such clerk, addressed to the Chairman of the Committee on Contingent Expenses, who shall report the same to the Senate, with or without the approval of said committee.

Amendments were offered by Messrs. Duffy and Tuttle, which were subsequently withdrawn by consent.

#### SPECIAL ORDER FOR TWELVE O'CLOCK M.

Action on the appointments of the Governor.

The hour for the consideration of the special order having arrived, pending discussion on the resolution offered by Mr. McKusick, on motion of Mr. Pendegast it was postponed to two o'clock p. m.

Mr. Boggs moved to amend the resolution by adding after Copying Clerks, "or Journal Clerk," which was adopted, and is embodied in the resolution as amended.

The resolution as amended was adopted.

Mr. Tuttle offered a resolution, providing that Senators Roach and Goodale be added to the Committee on State Prison.

Laid over one day under the rule.

Mr. Bush, by consent, introduced a bill, as follows:

An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of Los Angeles.

Read first and second times, and referred to the Committee on Agriculture.

Mr. Crane, by leave, gave notice of the introduction of an Act in relation to fees and salaries of county officers of Yuba County.

At twelve o'clock and twelve minutes p. m., on motion of Mr. Edger-ton, the Senate took a recess until two o'clock p. m.

#### REASSEMBLED.

Two o'clock p. m. Senate reassembled.

President pro tem. in the chair.

Roll called, and quorum present.

#### SPECIAL ORDER FOR TWO O'CLOCK P. M.

Consideration of appointments made by the Governor, as per his message received December tenth, eighteen hundred and seventy-three, as follows:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, — 1873. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body, that since the adjournment of the nineteenth session of the Legislature, I have made the following official appointments, and respectfully ask their confirmation:

April fourth, eighteen hundred and seventy-two—Samuel P. Wells, vice Badger, removed; Charles Nelson, vice McNeil, removed; A. Y. Trask, vice Noyes, removed—as Pilot Commissioners of the ports of San Francisco, Mare Island, and Benicia.

August second, eighteen hundred and seventy-two—O. Harvey, vice Twitchell, term expired; Donald McLennan, vice Hewson, term expired—as Directors of the Insane Asylum.

October eighteenth, eighteen hundred and seventy-two—E. B. Mott, Jr., Trustee of the State Library, vice J. W. Coffroth, deceased.

November twenty-seventh, eighteen hundred and seventy-two—Timothy L. Barker, Director of the Asylum for the Deaf, Dumb, and the Blind, vice Brenham, resigned.

March fifth, eighteen hundred and seventy-three—R. K. Piobrowski, Commissioner of Immigration, vice Stevenson, resigned.

March twenty-sixth, eighteen hundred and seventy-three—E. J. Crane, Director of the Asylum for the Deaf, Dumb, and the Blind, vice Nicholson, resigned.

April nineteenth, eighteen hundred and seventy-three—A. B. Stout, member of the State Board of Health, vice Stone, resigned.

November eighth, eighteen hundred and seventy-three—Joseph Austin, Port Warden in and for the port of San Francisco, vice himself, term expired.

November twenty-fifth, eighteen hundred and seventy-three—D. D. Shattuck, Director of the Asylum for the Deaf, Dumb, and the Blind, vice Linden, deceased.

NEWTON BOOTH,  
Governor.

The Senate went into executive session.

Upon the question, "Will the Senate advise and consent to the appointment of Samuel P. Wells as a Pilot Commissioner for the ports of San Francisco, Mare Island, and Benicia, vice Badger, removed?" the roll was called, with the following result:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—38.

NOES—None.

Upon the question, "Will the Senate advise and consent to the appointment of Charles Nelson as a Pilot Commissioner for the ports of San Francisco, Mare Island, and Benicia, vice McNeil, removed?" on motion of Mr. Perkins, this appointment was made the special order for Wednesday, the seventeenth instant, at two o'clock P. M.

Upon the question, "Will the Senate advise and consent to the appointment of A. Y. Trask as a Pilot Commissioner for the ports of San Francisco, Mare Island, and Benicia, vice Noyes, removed?" the roll was called, with the following result:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—38.

NOES—None.

Upon the question, "Will the Senate advise and consent to the appointment of O. Harvey as a Director of the Insane Asylum, vice Twitchell, term expired," the roll was called, resulting as follows:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lind-

sey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—38.

NOES—None.

Upon the question, "Will the Senate advise and consent to the appointment of Donald McLennan as a Director of the Insane Asylum, vice Hewson, term expired?" the roll was called, with the following result:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—38.

NOES—None.

Upon the question, "Will the Senate advise and consent to the appointment of E. B. Mott, Jr., Trustee of the State Library, vice J. W. Coffroth, deceased?" the roll was called, with the following result:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—38.

NOES—None.

Upon the question, "Will the Senate advise and consent to the appointment of Timothy L. Barker as Director of the Asylum for the Deaf, Dumb, and Blind, vice Brenham, resigned?" the roll was called, resulting as follows:

AYES—Messrs. Bartlett, Beck, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—37.

NOES—None.

Upon the question, "Will the Senate advise and consent to the appointment of R. K. Piotrowski as Commissioner of Immigration, vice Stevenson, resigned?" the roll was called, with the following result:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—38.

NOES—None.

Upon the question, "Will the Senate advise and consent to the appointment of E. J. Crane as Director of the Asylum for the Deaf, Dumb, and the Blind, vice Nicholson, resigned?" the roll was called, as follows:



AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—37.

NOES—None.

Upon the question, "Will the Senate advise and consent to the appointment of A. B. Stout as a member of the State Board of Health, vice Stone, resigned?" the roll was called, and resulted as follows:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Keys, Laine, Lindsey, Martin, McCune, McKusick, Murry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, and Tuttle—35.

NOES—None.

Upon the question, "Will the Senate advise and consent to the appointment of Joseph Austin as Port Warden in and for the port of San Francisco, vice himself, term expired?" the roll was called, as follows:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Irwin, Keys, Laine, Lindsey, Martin, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, and Tuttle—34.

NOES—None.

Upon the question, "Will the Senate advise and consent to the appointment of D. D. Shattuck a Director of the Asylum for the Deaf, Dumb, and the Blind, vice Linden, deceased," the roll was called with the following result:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Irwin, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—36.

NOES—None.

Mr. Garratt was granted leave of absence for the remainder of the day, and for to-morrow.

Mr. Neff submitted the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 10—An Act to provide for the building of and furnishing a Court House, offices, and Jail, in Merced County, and for improving the Court House grounds.

NEFF, Chairman.

Mr. Roach made a report, as follows:

MR. PRESIDENT: The Committee on Commerce and Navigation, to which was referred Senate Resolution No. 12, introduced by Senator Boggs—asking Congress to make an appropriation to remove obstructions in navigable rivers—have had the same under consideration, and recommend its passage.

ROACH, Chairman.

MOTIONS, RESOLUTIONS, AND NOTICES, CONTINUED.

Mr. McKusick offered a resolution, as follows:

WHEREAS, The seat in this body of Mr. Fraser is contested by Mr. Charles Gildea; and whereas, the Controller of State is in doubt as to his right to draw a warrant for the per diem and mileage of said sitting member; therefore, be it

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrant for the per diem and mileage of said sitting member, payable out of the appropriation for per diem and mileage of Lieutenant Governor and Senators.

Adopted.

On motion of Mr. Roach, Senate Joint Resolution No. 4 was referred to the Committee on Agriculture, and Senate Joint Resolution No. 6 to the Committee on Federal Relations.

By leave, Mr. Laine introduced a bill, as follows—An Act to amend an Act entitled "An Act to establish a Political Code," approved March twelfth, A. D. eighteen hundred and seventy-two, and for other purposes.

Read first and second times, and referred to the Judiciary Committee.

GENERAL FILE.

Senate Bill No. 4—An Act to amend section four thousand one hundred and nine of the Political Code of the State of California.

On motion of Mr. Pendegast, the vote by which the bill passed to engrossment was reconsidered.

On motion of Mr. Farley, the bill was referred to the Judiciary Committee, with special instructions to report the same on Monday next.

Mr. Gibbons introduced a bill, by consent, as follows—An Act to prohibit the sale of intoxicating liquors within two miles of the University of California.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read third time, and passed.

REPORT.

Mr. McMurry submitted the following report:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 24—entitled an Act to authorize the State Treasurer to pay Controller's warrants, drawn for the per diem and mileage for members of the

Senate and Assembly and their respective officers and employes, and have presented the same to his Excellency the Governor, this day, at three o'clock and ten minutes P. M.

JOHN McMURRY,  
Chairman.

Mr. Roach offered a resolution, as follows:

*Resolved*, That two copies of every bill ordered printed by the Senate, and two copies of each report of a State officer, or a committee, that may be reported, be furnished to each correspondent who holds a seat on the floor of the Senate.

Mr. Beck offered a resolution providing for the appointment of Senator Duffy on the Committee on Public Buildings and Grounds.  
Laid over one day under the rules.

#### ASSEMBLY MESSAGE.

The following message was received:

ASSEMBLY CHAMBER,  
December 12th, 1873. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under suspension of the rules, Senate Bill No. 24—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the per diem and mileage for members of the Senate and Assembly, and their respective employes.

Also, Assembly Bill No. 8—An Act supplementary to an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 13—An Act supplemental to an Act entitled an Act to authorize the Board of Trustees of Woodland School District, in the County of Yolo, to borrow money for certain purposes, and provide for the payment of the same, approved February twenty-fourth, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 20—An Act in relation to the School Fund of Tehama County.

Also, adopted Assembly Concurrent Resolution No. 4—Relative to printing the Governor's Message, and report of the Yosemite Commissioners.

WEBBER,  
Assistant Clerk.

Assembly Bill No. 8, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Assembly Bill No. 20, and Assembly Bill No. 13, above reported, read first and second time, and referred to the delegation from the counties named in the bills.

Assembly Concurrent Resolution No. 4, above reported, was, on motion of Mr. McMurry, referred to the Committee on Printing.

At three o'clock and thirty minutes P. M., on motion of Mr. Neff, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Saturday, December 13th, 1873. }

The Senate met pursuant to adjournment.  
Mr. Irwin, President pro tem., in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## REPORTS OF COMMITTEES.

Mr. Tuttle submitted a report, as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and found correctly engrossed Senate Bill No. 35—An Act to prohibit the sale of intoxicating liquors within two miles of the University of California.

TUTTLE,  
For the Committee.

Mr. Hopkins submitted a report, as follows:

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred the Joint Resolution No. 3—Asking Congress to allow the people of the State to use the waters of the State for the general good of the people, and not for the private purposes of speculation—have had the same under consideration, and report the same back with an amendment, and recommend its passage as amended.

R. HOPKINS,  
Chairman of Committee.

Mr. Pendegast submitted a report, as follows:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 4—An Act to amend section forty-one hundred and nine of the Political Code—report the same back to the Senate, with amendments, and respectfully recommend the adoption of the amendments and the passage of the bill.

PENDEGAST, Chairman.

Mr. Evans moved that the rules be suspended, and the bill above reported be taken up and placed on its passage.

So ordered.

Considered in Committee of the Whole.

## IN SENATE.

Amendments adopted, considered engrossed, read third time, and passed.



Mr. McCune made the following report:

*To the honorable Senate of the State of California:*

The delegation from Yolo County, to whom was referred Assembly Bill No. 13, respectfully report that they have carefully examined the same, and find it correct, and recommend its passage.

H. E. McCUNE.

The bill above reported was, on motion of Mr. McCune, subsequently taken up, rules suspended, read third time and passed.

Mr. Boggs, for the delegation, verbally reported back Assembly Bill No. 20—An Act in relation to the School Fund of Tehama County—and recommended its passage.

Bill above reported taken up, rules suspended, read third time, and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from his Excellency, the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, December 12th, 1873. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 24—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the per diem and mileage for members of the Senate and Assembly, and their respective officers and employees.

NEWTON BOOTH,  
Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Duffy—An Act supplementary to an Act approved March thirtieth, eighteen hundred and seventy-two, entitled "An Act to provide the City of Sacramento with a better supply of water."

Also, an Act to amend an Act entitled "An Act to establish a dispensary in the City of Sacramento," approved March twenty-third, eighteen hundred and seventy-two.

Bills read first and second times, and referred to the Sacramento delegation.

By Mr. Laine—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Dyer—An Act to amend an Act entitled an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public

lands, approved March second, eighteen hundred and sixty-seven, approved March thirteenth, eighteen hundred and sixty-eight.

Read first and second times, and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Duffy offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be and is hereby authorized to receipt to the Controller of State for all warrants for per diem and mileage of the Lieutenant Governor and members of the Senate, and for the per diem of officers and attaches of the Senate.

Adopted.

Mr. McKusick moved that the resolution introduced by him on yesterday, respecting the appointment of additional clerical force, as amended, be incorporated into the Standing Rules of the Senate, to number as Rule Fifty-two.

So ordered.

The resolutions offered yesterday, and which were laid over for one day, adding Mr. Duffy to the Committee on Public Buildings and Grounds, and Messrs. Roach and Goodale to the Committee on State Prison, were taken up and adopted.

Mr. Boggs, by leave, presented a petition from the State Grange of the Patrons of Husbandry, in reference to the repeal of duty on jute, sacks, or manufactured burlaps, which was received and referred to the Committee on Agriculture.

#### GENERAL FILE.

Senate Bill No. 10—An Act to provide for the building of and furnishing Court House, offices, and jail in Merced County, and for improving Court House grounds.

Read a third time and passed.

Senate Bill No. 28—An Act to repeal the special road laws of San Mateo County.

Ordered engrossed.

Senate Joint Resolution No. 12—Asking Congress for an appropriation to remove obstructions from navigable rivers of this State.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 10—An Act to repeal an Act entitled an Act for laying out, altering, and vacating public roads in the County of Marin, approved April second, eighteen hundred and sixty-six, and an Act entitled an Act concerning roads in the County of Marin, approved March thirtieth, eighteen hundred and sixty-eight.

Referred to the Committee on Roads and Highways.

At twelve o'clock and thirty five minutes P. M., on motion of Mr. Tuttle, the Senate adjourned to Monday, the fifteenth instant, at two o'clock and thirty minutes P. M.

## IN SENATE.

SENATE CHAMBER,  
Monday, December 15th, 1873. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called and a quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

## LEAVE OF ABSENCE.

Indefinite leave of absence was granted Mr. Eakin, on account of sickness, and Mr. Kent, for one day.

## PETITION.

Mr. Keys presented a petition from practical farmers of this State, in reference to dividing the State into irrigation districts.

Received and referred to the Committee on Irrigation.

## REPORTS.

The following reports were made:

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 4—An Act to amend section four thousand one hundred and nine of the Political Code of the State of California.

Also, Senate Joint Resolution No. 12—Relative to asking Congress for an appropriation to remove obstructions from navigable rivers of this State.

Also, Senate Bill No. 28—An Act to repeal the special road laws of San Mateo County.

NEFF, Chairman.

By Mr. Duffy:

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 10—An Act concerning roads and highways in the County of Marin—beg leave to report the same back with amendments, and recommend its passage as amended.

DUFFY, for Committee.

On motion of Mr. Goodale, the rules were suspended and the bill taken up. Amendments adopted, read third time and passed.

Mr. Finney moved that Senate Bill No. 28, reported by the Committee on Engrossment, be taken up and placed on its passage. So ordered.

Read third time and passed.

Mr. Roach, for the Committee on Commerce and Navigation, verbally reported back Senate Bill No. 26, without recommendation.

The bill was ordered printed.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, December 15th, 1873. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the fifteenth instant, passed Senate Bill No. 15—An Act to amend section seventy of the Code of Civil Procedure.

Also, that Messrs. Swift, Ingham, and Franck have been appointed a committee on the part of the House, under Senate Concurrent Resolution No. 2—Relative to retrenchment of public expenditures.

Also, that Messrs. Amerman, Barton, and Clark have been appointed a committee, on the part of the House, under Assembly Concurrent Resolution No. 3—Relative to restaurant in Capitol building.

D. T. LOOFBOURROW,  
Chief Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tuttle—An Act to amend an Act entitled an Act to incorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

Read first and second times and ordered on file.

By Mr. Keys—An Act entitled an Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

Read first and second times and referred to Committee on Counties and County boundaries, and ordered printed.

By Mr. Roach—An Act to prevent and punish official misconduct.

Read first and second times and referred to the Judiciary Committee.

By Mr. McCoy (by request)—An Act for the relief of Oliver M. Wozencraft and his associates.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Farley—An Act to add two sections to the Political Code of California.

Read first and second times and referred to the Judiciary Committee.

By Mr. Evans—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

Mr. Fraser offered a joint resolution, instructing our Senators and requesting our Representatives in Congress to use their influence to secure the restoration to the public domain of all lands withdrawn for aiding the construction of a railroad and telegraph line from the Town of Folsom to the Town of Placerville, in this State.



Read first and second times and referred to the Committee on Public Lands.

GENERAL FILE.

Senate Joint Resolution No. 3—Asking Congress to allow the people of the State to use the waters of the State for the general good of the people, and not for private purposes of speculation.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

At three o'clock and twenty minutes P. M., on motion of Mr. Lindsey, the Senate adjourned.

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IN SENATE.

SENATE CHAMBER,

Tuesday, December 16th, 1873. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS.

Mr. Neff submitted a report as follows:

MR. PRESIDENT: The Committee on Engrossment have examined, and find correctly engrossed, Senate Joint Resolution No. 3, asking Congress to allow the people of the State to use the waters of the State for the general good of the people, and not for private purposes of speculation.

NEFF, Chairman.

Mr. Goodale offered the following resolution:

*Resolved*, That the Assembly be requested to return Assembly Bill No. 10, relative to roads in Marin County, to the Senate, to correct a clerical error in the indorsement of said bill.

Adopted.

Mr. McKusick offered a concurrent resolution, as follows:

WHEREAS, the morning papers give a synopsis of a bill introduced into Congress by the Hon. H. F. Page, to prohibit the employment of coolie labor and the pernicious system of contract whereby large numbers are shipped to our shores in violation of our laws, to the injury of society, and the best interests of our people; therefore, be it

*Resolved*, That we heartily indorse the action of our Representative in Congress, and will cordially coöperate with our Congressional delegation in the passage of any constitutional measure that will tend to relieve us of this class of people, and prevent their further immigration to our shores.

Referred to the Committee on Federal Relations.

Mr. Pendegast offered a resolution providing for the appointment of Mr. Gibbons to Committee on Commerce and Navigation.

Laid over one day.

Mr. Beck presented a memorial from the President and Secretary of the Santa Cruz Railroad, which was referred to the Committee on Corporations.

#### GENERAL FILE.

Senate Bill No. 40—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

Ordered engrossed.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill Number Fifteen (15), entitled an Act to amend section seventy of the Code of Civil Procedure, and have presented the same to his Excellency the Governor this day, at eleven o'clock and twenty minutes A. M., for his approval.

McMURRY,  
Chairman of Committee.

#### UNITED STATES SENATOR.

At eleven o'clock and thirty minutes A. M., Mr. Pendegast moved that the Senate take a recess until one o'clock P. M., at which hour the Senate should proceed to ballot for candidate for United States Senator.

Carried.

Whereupon the Senate took a recess to that hour.

#### REASSEMBLED.

Senate reassembled at one o'clock P. M.

President in the chair.

Roll called and a quorum present.

#### BALLOTING FOR UNITED STATES SENATOR.

Mr. Pendegast offered the following resolution:

*Resolved*, That the Senate do now proceed to ballot for candidates for the office of United States Senator, for the term of six years, beginning March fourth, A. D. eighteen hundred and seventy-five.

Adopted.

The President directed the Secretary to read the Act of Congress, as follows:

CHAPTER CCXIV.—*An Act to regulate the time and manner of holding elections for Senators in Congress.*

[Approved July 25, 1866.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Legislature of each State which shall be chosen next preceding the expiration of the time for which any Senator was elected to represent said State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress in the place of such Senator so going out of office, in the following manner: Each House shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from said State, and the name of the person so voted for who shall have a majority of the whole number of votes cast in each House shall be entered on the Journal of each House by the Clerk or Secretary thereof; but if either House shall fail to give such majority to any person on said day, that fact shall be entered on the Journal. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person shall have received a majority of all the votes in each House, such person shall be declared duly elected Senator to represent said State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each House, or if either House shall have failed to take proceedings as required by this Act, the Joint Assembly shall then proceed to choose by a viva voce vote of each member present a person for the purpose aforesaid. And the person having a majority of all the votes of the said Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected; and in case no person shall receive such majority on the first day, the Joint Assembly shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature and take at least one vote, until a Senator shall be elected.

SEC. 2. *And be it further enacted,* That whenever on the meeting of the Legislature of any State a vacancy shall exist in the representation of such State in the Senate of the United States, said Legislature shall proceed, on the second Tuesday after the commencement and organization of its session, to elect a person to fill such vacancy, in the manner hereinbefore provided for the election of a Senator for a full term; and if a vacancy shall happen during the session of the Legislature, then on the second Tuesday after the Legislature shall have been organized and shall have notice of such vacancy.

SEC. 3. *And be it further enacted,* That it shall be the duty of the Governor of the State from which any Senator shall have been chosen as aforesaid, to certify his election, under the seal of the State, to the President of the Senate of the United States, which certificate shall be countersigned by the Secretary of the State.

The President declared nominations to be in order for United States Senator in Congress for the term of six years, from March fourth, eight hundred and seventy-five.

Mr. Edgerton nominated Newton Booth.

Mr. Pendegast nominated James T. Farley.

Mr. Oulton nominated J. McMillan Shafter.

Nominations were declared closed, when, in accordance with the requirements of the section of the Act above quoted, the Secretary called the roll of the Senate, and each Senator announced the name of the person for whom he voted, as follows:

	Farley .....	Booth.....	Shafter.....	Pendegast..
Andross.....			1	
Bartlett.....		1		
Beck.....	1			
Boggs.....	1			
Bush.....		1		
Crane.....			1	
DeHaven.....		1		
Duffy.....			1	
Dyer.....			1	
Eakin.....	1			
Edgerton.....		1		
Evans.....			1	
Farley.....				1
Finney.....			1	
Fraser.....			1	
Garratt.....			1	
Gibbons.....		1		
Goodale.....		1		
Graves.....	1			
Hendricks.....	1			
Hopkins.....			1	
Irwin.....	1			
Kent.....			1	
Keys.....	1			
Laine.....		1		
Lindsey.....		1		
Martin.....		1		
McCoy.....	1			
McCune.....		1		
McKusick.....			1	
McMurry.....	1			
Neff.....			1	
O'Connor.....	1			
Oulton.....			1	
Pendegast.....	1			
Perkins.....		1		
Roach.....	1			
Spencer.....		1		
Turner.....		1		
Tuttle.....	1			



Whole number of Senators who voted.....	40
J. T. Farley received.....	13
Newton Booth received.....	13
J. McM. Shafter received.....	13
W. W. Pendegast received.....	1

Mr. Irwin offered the following:

*Resolved*, That the Senate now proceed to ballot for a Senator in Congress to fill the vacancy caused by the resignation of the Hon. Eugene Casserly.

Adopted.

Nominations to fill the vacancy were declared in order.

Mr. Roach nominated John S. Hager.

Mr. Crane nominated J. O. Goodwin.

Mr. Finney nominated T. G. Phelps.

Mr. Duffy nominated Cornelius Cole.

Nominations were declared closed.

In accordance with the requirements of the second section of the Act above quoted, the Secretary called the roll of the Senate, and each Senator announced the name of the person for whom he voted, as follows:

	Hager.....	Goodwin.....	Phelps.....	Cole .....	Laine .....	Perkins.....	Belcher.....
Andross.....				1			
Bartlett.....	1						
Beck .....	1						
Boggs .....	1						
Bush .....					1		
Crane .....		1					
De Haven.....				1			
Duffy.....				1			
Dyer .....		1					
Eakin.....	1						
Edgerton .....					1		
Evans .....				1			
Farley .....	1						
Finney .....			1				
Fraser .....		1					
Garratt.....						1	
Gibbons.....					1		
Goodale.....			1				
Graves.....	1						
Hendricks .....	1						
Hopkins .....				1			
Irwin.....	1						
Kent .....		1					
Keys .....	1						

	Hager.....	Goodwin....	Phelps .....	Cole .....	Laine.....	Perkins.....	Belcher.....
Laine .....	1						
Lindsey.....					1		
Martin.....	1						
McCoy.....	1						
McCune.....	1						
McKusick.....		1					
McMurry .....	1						
Neff.....			1				
O'Connor.....	1						
Oulton .....		1					
Pendegast.....	1						
Perkins .....		1					
Roach.....	1						
Spencer.....		1					
Turner .....							1
Tuttle.....	1						

Whole number Senators who voted.....	40
Necessary to a choice.....	21
Hager received.....	18
Goodwin received.....	8
Phelps received.....	3
Cole received.....	5
Laine received.....	4
Perkins received.....	1
Belcher received.....	1

At one o'clock and fifty-five minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Wednesday, December 17th, 1873. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### REPORTS.

Mr. Laine submitted a report as follows:

Mr. PRESIDENT: The Committee on Printing, to whom was referred

Assembly Concurrent Resolution No. 4—relative to printing five thousand copies of the Governor's Message and two hundred and fifty copies of the report of the Yosemite Commissioners—having duly considered the same, now report it back and recommend its passage.

LAINE, Chairman.

By Mr. Irwin:

Mr. PRESIDENT: The Committee on Finance, to which was referred Senate Bill No. 31—entitled "An Act authorizing the State Treasurer to dispose of the sixty-five thousand (\$65,000) dollars five-twenty bonds now held in trust for the University Fund, and to purchase State bonds of the Funded Debt of eighteen hundred and seventy-three"—have had the same under consideration, now report it back with amendments, and recommend the adoption of the amendments and the passage of the bill.

IRWIN, for Committee.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bills No. 12, "An Act to provide for additional Notaries Public in the Counties of Fresno, Tulare, and Humboldt; also No. 39, an Act to amend an Act entitled "An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State, by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-eight, report the same back to the Senate with amendments, and respectfully recommend the adoption of the amendments and the passage of the bills. We also report back Senate Bill No. 20, "An Act to exempt certain firemen from the payment of poll tax." We are unable to discover any reason why said bill should become a law as a matter of public policy, and there is at least serious doubt as to its constitutionality. We therefore recommend that it do not pass.

PENDEGAST, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, December 16th, 1873. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 15—An Act to amend section seventy of the Code of Civil Procedure.

NEWTON BOOTH, Governor.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
December 16th, 1873. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on December fifteenth, instant, passed Senate Bill No. 1—An Act giving the consent of the Legislature to Cornelius Finley, County Clerk of Santa Clara County, in the State of California, to absent himself from said State for a period not exceeding sixty days.

Also, Assembly Bill No. 21—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Yuba, approved February third, eighteen hundred and seventy-two.

Also, Assembly Bill No. 28—An Act to create a Board of Canvassers for the County of El Dorado, and other matters relating thereto.

Also, Assembly Concurrent Resolution No. 6—Relative to mail route from Happy Camp, Del Norte County, to Orleans Bar, in Klamath County.

JOHN WEBBER, Assistant Clerk.

A message received from the Assembly, in reference to the ballot taken in that House for United States Senators, and fixing a time for the Senate to meet the Assembly in Joint Convention, was, on motion of Mr. Evans, respectfully returned to the Assembly.

Assembly Bills Nos. 21 and 28, above reported, read first and second times and referred to the delegations named in the bills.

Assembly Concurrent Resolution No. 6, above reported, read first and second times and referred to the Committee on Federal Relations.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Laine—An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make general indices of the records, files, and minutes of the Supreme Court of this State.

Read first and second times and referred to a special committee of three, which committee the President subsequently appointed as follows: Messrs. Laine, Pendegast, and Edgerton.

By Mr. Keys—An Act to provide for the building of a school house in Modesto School District, in the County of Stanislaus, State of California.

Read first and second times and referred to the delegation.

By Mr. Boggs—An Act regulating public highways in the County of Colusa.

Read first and second times, referred to Committee on Roads and Highways, and ordered printed.

By Mr. Oulton—An Act to authorize the transfer to the General Fund of the money in the Soldier's Bounty Fund, the Soldier's Relief Fund, the Line Officers' Fund, and the Hospital Fund.

Read first and second times and ordered on file.



By Mr. O'Connor—An Act to amend section four hundred and eighty-nine of the Civil Code of the State of California.

Read first and second times and referred to the Committee on Corporations.

Mr. Roach presented a memorial of the City Hall Commissioners, requesting the appointment of a Joint Committee of Investigation.

Laid on the table.

Mr. Roach offered a concurrent resolution on the adoption of a treaty of reciprocity between the United States and Mexico.

Read first and second times and referred to the Committee on Federal Relations.

Mr. Roach offered the following resolution:

WHEREAS, At a certain sale in San Francisco, it was publicly stated, on the authority of ex-Governor Haight, and the Board of Tide Land Commissioners, that all purchasers of tide and overflowed lands were exempt from taxation until the title vested in the purchaser; therefore, be it

*Resolved*, That the Judiciary Committee be requested to give their opinion upon the legality of the tax levied upon such property before all the payments have been made to the State.

Adopted.

Mr. Neff offered a resolution providing for the appointment of Senator Crane to the Committee on State Hospitals.

And Mr. Evans, that Senator Eakin be added to the Committee on Hospitals.

Laid over one day.

On motion of Mr. Oulton, the special order—being action on Senate Joint Resolution No. 11—set for one o'clock to-day, was postponed, and made the special order for one o'clock to-morrow.

Mr. Laine offered a concurrent resolution relative to the joint committee to investigate matters of the City Hall and Harbor Commissioners, at San Francisco.

Made special order for one o'clock P. M., on Thursday, the eighteenth instant.

Mr. Graves verbally reported back Senate Bill No. 7—An Act to define the legal distances from the county seat of Ventura County to Sacramento, Stockton, and San Quentin—and recommend its passage.

Rules suspended, bill considered engrossed, read a third time and passed.

#### REPORT.

The following report was made:

By Mr. Pendegast:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 11—An Act to repeal an Act for the establishment, maintenance, and protection of public roads in Merced County—have examined the same, and now report the same back to the Senate with a substitute for section one, and an additional section, putting the Act into immediate effect after its passage. We recommend the adoption of the substitute for section one, the addition of section two, and the passage of the bill.

PENDEGAST, Chairman.

## RESOLUTION.

The resolution, offered on yesterday, was taken up and amended to read as follows:

*Resolved*, That Senators Gibbons and Evans be and they are hereby added to the Committee on Commerce and Navigation.

Adopted.

At eleven o'clock and forty-eight minutes A. M., on motion of Mr. McMurry, the Senate took a recess to twelve o'clock M.

## REASSEMBLED.

The Senate reassembled at twelve o'clock M.

The President in the chair.

Roll called, and a quorum present.

The President announced that the hour for meeting in Joint Assembly, under the requirement of the Act of Congress, had arrived.

## IN JOINT ASSEMBLY.

WEDNESDAY, DECEMBER 17th, 1873.

}  
Twelve o'clock, M. }

Pursuant to an Act of Congress entitled an Act to regulate the time and manner of holding elections for Senators in Congress, approved July twenty-fifth, eighteen hundred and sixty-six, the Senate and Assembly met in Joint Assembly, the Hon. Romualdo Pacheco, Lieutenant Governor and President of the Senate, and the Hon. M. M. Estee, Speaker of the Assembly, presiding.

The roll of the Senate was called by the Secretary, and the following Senators were present:

Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle.

The roll of the Assembly was called by the Clerk, and the following members were present:

Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Giffen, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin,

Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker.

The Secretary of the Senate read from the Journal of the Senate so much of the proceedings on Tuesday, December sixteenth (being the second Tuesday after the organization of the twentieth session of the Legislature), as relates to a ballot for the election of a United States Senator to succeed the Hon. Eugene Casserly, for the term of six years from March fourth, eighteen hundred and seventy-five, and also a United States Senator to fill the vacancy occasioned by the resignation of the Hon. Eugene Casserly, whereby it appeared that forty Senators were present and voted each his choice, and that no person received a majority of all the votes cast.

The Clerk of the Assembly read so much of the Journal of the Assembly as relates to the proceedings in that body in regard to the election of a United States Senator in Congress, for the full term of six years, to succeed the Hon. Eugene Casserly, and also to fill the vacancy, held in accordance with the Act of Congress above referred to, and it appeared that eighty members of the Assembly were present and voted each his choice, and that Newton Booth received a majority of all the votes cast for the full term, but that no person received a majority of all the votes cast to fill the vacancy.

The President directed the Secretary of the Senate to read the Act of Congress requiring the Joint Convention held this day.

From the official publication it was read as follows:

CHAPTER CCXIV.—*An Act to regulate the time and manner of holding elections for Senators in Congress.*

[Approved July 25, 1866.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislature of each State which shall be chosen next preceding the expiration of the time for which any Senator was elected to represent said State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress in the place of such Senator so going out of office, in the following manner: Each House shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from said State, and the name of the person so voted for who shall have a majority of the whole number of votes cast in each House shall be entered on the Journal of each House by the Clerk or Secretary thereof; but if either House shall fail to give such majority to any person on said day, that fact shall be entered on the Journal. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person shall have received a majority of all the votes in each House, such person shall be declared duly elected Senator to represent said State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each House, or if either House shall have failed to take proceedings as required by this Act, the Joint Assembly shall then proceed to choose by a viva voce vote of each member present a person for the purpose aforesaid. And the person having a majority of all the votes of the*



said Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected; and in case no person shall receive such majority on the first day, the Joint Assembly shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature and take at least one vote, until a Senator shall be elected.

SEC. 2. *And be it further enacted*, That whenever on the meeting of the Legislature of any State a vacancy shall exist in the representation of such State in the Senate of the United States, said Legislature shall proceed, on the second Tuesday after the commencement and organization of its session, to elect a person to fill such vacancy, in the manner hereinbefore provided for the election of a Senator for a full term; and if a vacancy shall happen during the session of the Legislature, then on the second Tuesday after the Legislature shall have been organized and shall have notice of such vacancy.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Governor of the State from which any Senator shall have been chosen as aforesaid, to certify his election, under the seal of the State, to the President of the Senate of the United States, which certificate shall be countersigned by the Secretary of the State.

NOMINATIONS FOR SENATOR FOR THE TERM OF SIX YEARS FROM MARCH FOURTH, EIGHTEEN HUNDRED AND SEVENTY-FIVE.

Mr. Edgerton nominated Newton Booth.

Mr. Pendegast nominated James T. Farley.

Mr. Oulton nominated J. McMillan Shafter.

The Secretary of the Senate called the roll of the Senate, and each Senator present announced the name of the person for whom he voted, as follows:

	Booth.....	Farley.....	Shafter.....	Pendegast..
Andross.....			1	
Bartlett.....	1			
Beck.....		1		
Boggs.....		1		
Bush.....	1			
Crane.....			1	
DeHaven.....	1			
Duffy.....			1	
Dyer.....			1	
Eakin.....		1		
Edgerton.....	1			
Evans.....			1	
Farley.....				1
Finney.....			1	
Fraser.....			1	
Garratt.....	1			
Gibbons.....	1			



	Booth.....	Farley.....	Shafter.....	Pendegast..
Goodale.....	1			
Graves.....		1		
Hendricks.....		1		
Hopkins.....			1	
Irwin.....		1		
Kent.....			1	
Keys.....		1		
Laine.....	1			
Lindsey.....	1			
Martin.....	1			
McCoy.....		1		
McCune.....	1			
McKusick.....			1	
McMurry.....		1		
Neff.....			1	
O'Connor.....		1		
Oulton.....			1	
Pendegast.....		1		
Perkins.....	1			
Roach.....		1		
Spencer.....	1			
Turner.....	1			
Tuttle.....		1		

The Clerk of the Assembly called the roll of the Assembly, and each member present announced the name of his choice for Senator, as follows:

	Booth.	Farley.	Shafter.
Ables.....	1		
Aldrich.....	1		
Amerman.....			1
Barton.....	1		
Bowers.....			1
Bradley.....	1		
Bryan.....	1		
Burt.....	1		
Byers.....	1		
Byrnes.....	1		
Canfield.....	1		
Carter.....			1
Chandler.....	1		
Clark.....		1	
Coggins.....	1		

	Booth.	Farley.	Shafter.
Cowdery .....	1		
Cressler .....	1		
Davis .....		1	
Dixon .....		1	
Escandon .....		1	
Fahey .....		1	
Franck .....	1		
Freeman .....	1		
Freidenrich .....	1		
Ferguson .....		1	
Giffen .....		1	
Gilmore, of Calaveras .....			1
Gilmore, of El Dorado .....		1	
Gray .....	1		
Gurnett .....			1
Hamill .....	1		
Hammitt .....	1		
Hay .....	1		
Heald .....	1		
Higbie .....	1		
Hill .....		1	
Howe .....		1	
Hurlburt .....	1		
Ingham .....		1	
Kercheval .....	1		
Klotz .....		1	
Knox .....	1		
Long .....			1
McBride .....		1	
McCallum .....		1	
Meyers .....	1		
Miller .....	1		
Morgan .....			1
Murphy .....		1	
Northcutt .....		1	
Northup .....		1	
Norton .....	1		
Parker .....		1	
Patterson .....	1		
Paulsell .....	1		
Peek .....			1
Pelham .....		1	
Pishon .....	1		
Rea .....	1		
Rogers .....	1		
Roush .....	1		
Russell .....		1	
Simpers .....		1	
Simpson .....	1		
Snyder .....			1

	Booth.	Farley.	Shafter.
Stowers.....		1	
Summers.....		1	
Swift.....	1		
Terrill.....	1		
Tinnin.....		1	
Thomas.....	1		
Tully.....		1	
Vandall.....	1		
Venable.....		1	
Welch.....	1		
Wickware.....	1		
Williams.....		1	
Winchell.....	1		
Wright.....		1	
Mr. Speaker.....	1		

Whole number of votes cast.....	120
Necessary to a choice.....	61
Newton Booth received.....	57
James T. Farley received.....	41
J. McMillan Shafter received.....	21
W. W. Pendegast received.....	1

No choice.

Mr. Pendegast moved that the Joint Assembly do now proceed to the election of a United States Senator to fill the unexpired term caused by the resignation of the Hon. Eugene Casserly.

Which motion prevailed on a division. Ayes, 65; Noes, 54.

#### NOMINATIONS FOR SENATOR FOR THE UNEXPIRED TERM.

Mr. Roach nominated John S. Hager.

Mr. Amerman nominated J. McMillan Shafter.

Mr. Coggins nominated Creed Haymond.

The roll of Senators was called, and each Senator present announced the name of the person for whom he voted, as follows:

	Hager.....	Shafter.....	Haymond.....	Laine.....	Goodwin.....	Swift.....	Temple.....
Andross.....		1					
Bartlett.....	1						
Beck.....	1						
Boggs.....	1						
Bush.....				1			

	Hager .....	Shafter .....	Haymond..	Laine .....	Goodwin....	Swift .....	Temple, ....
Crane .....		1					
DeHaven.....					1		
Duffy.....		1					
Dyer.....		1					
Eakin.....	1						
Edgerton.....						1	
Evans.....		1					
Farley.....	1						
Finney.....		1					
Fraser.....		1					
Garratt.....		1					
Gibbons.....				1			
Goodale.....				1			
Graves.....	1						
Hendricks.....	1						
Hopkins.....		1					
Irwin.....	1						
Kent.....		1					
Keys.....	1						
Laine.....							1
Lindsey.....				1			
Martin.....	1						
McCoy.....	1						
McCune.....	1						
McKusick.....		1					
McMurry.....	1						
Neff.....		1					
O'Connor.....	1						
Oulton.....		1					
Pendegast....	1						
Perkins.....					1		
Roach.....	1						
Spencer.....					1		
Turner.....		1					
Tuttle.....	1						

The Clerk of the Assembly called the roll of that body, and each member present announced the name of his choice for Senator, as follows:



[illegible]

	Hager ..	Shafter.....	Haymond ..	Laine .....	Freeman .....	Goodwin .....	Swift.....	De Haven.....	Edgerton ..	Gildea.....	Haight .....	Perkins .....	Pendegast.....	Cowdery .....	Estee.....	Irwin .....
Snyder.....		1														
Stowers.....	1															
Summers.....	1															
Swift.....														1		
Terrill.....									1							
Tinnin.....	1								1							
Thomas.....															1	
Tully.....	1															
Vandall.....																1
Venable.....	1															
Welch.....	1															
Wickware.....									1							
Williams.....	1															
Winchell.....						1										
Wright.....	1															
Mr. Speaker.....								1								

Whole number of votes cast.....	119
Necessary to a choice.....	60
J. S. Hager received.....	45
J. McMillan Shafter received.....	24
T. H. Laine received.....	6
J. O. Goodwin received.....	12
John F. Swift received.....	4
Jackson Temple received.....	1
Creed Haymond received.....	7
F. S. Freeman received.....	2
J. J. DeHaven received.....	2
Henry Edgerton received.....	4
H. H. Haight received.....	4
Charles Gildea received.....	2
George C. Perkins received.....	1
W. W. Pendegast received.....	1
William Irwin received.....	1
J. F. Cowdery received.....	2
M. M. Estee received.....	1

No choice.

At one o'clock and thirty-five minutes P. M., on motion of Mr. Edgerton, the Joint Convention adjourned to twelve o'clock M., on Thursday, December eighteenth, eighteen hundred and seventy-three.

#### IN SENATE.

Senate reassembled at one o'clock and forty-five minutes P. M.

President in the chair.

Roll called, and a quorum present.

## SPECIAL ORDER.

On the confirmation of the appointment of Charles Nelson, vice McNeill, removed, as Pilot Commissioner for the ports of San Francisco, Mare Island, and Benicia, the President presented a communication from Charles Nelson, in reference to charges that he was ineligible to the office of Commissioner—denying that he was interested in any manner in the ownership of any tugboat in and about San Francisco Harbor.

On motion of Mr. Evans, the whole matter was referred to the Committee on Commerce and Navigation.

## REPORTS.

Mr. McMurry submitted a report as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report, that they have examined and find correctly enrolled Senate Bill No. 1—entitled an Act giving the consent of the Legislature to Cornelius Finley, County Clerk of Santa Clara County, in the State of California, to absent himself from said State, for a period not exceeding sixty days—and have presented the same to his Excellency the Governor, this day, at one o'clock and fifty minutes P. M., for his approval.

McMURRY, Chairman.

Mr. Roach submitted the following amendment to the Constitution:

Article V of the Constitution is hereby amended by adding thereto a section, to be known and numbered as section twenty-two of Article V, of the Constitution of the State of California, in words as follows, to wit: Article V, Section Twenty-two. The Governor shall be ineligible to a second successive term in such office, and shall also be ineligible to the office of United States Senator, or any other elective office, during the term for which he shall have been elected Governor.

Read first and second times and referred to the Judiciary Committee.

At two o'clock P. M., on motion of Mr. Finney, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Thursday, December 18th, 1873. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

The President presented a report of the "Ladies' Benevolent Asso-

ciation of Placerville," giving an account of expenditures and number of persons assisted.

Received and referred to the Committee on Finance.

Mr. Neff submitted the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 40—An Act to amend an Act entitled "An Act to reincorporate the City of Petaluma," approved March twenty-seventh, eighteen hundred and sixty-eight. Also, Senate Bill No. 7—An Act defining the legal distances from the county seat of Ventura County to Sacramento, Stockton, and San Quentin.

NEFF, Chairman.

Mr. McKusick verbally reported back Assembly Bill No. 28—An Act to create a Board of Canvassers for the County of El Dorado, and other matters relating thereto, and recommended its passage.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tuttle—An Act to amend the Civil Code.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Edgerton—An Act to pay the claim of W. L. McEwen and C. F. Smith.

By Mr. Oulton—An Act for the relief of A. J. F. Phelan.

Bills read first and second times, and referred to the Committee on Claims.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. McKusick offered a resolution, as follows:

*Resolved*, That the Assembly be requested to return Senate Concurrent Resolution No. 14 to the Senate, for the purpose of referring same to the Committee on Federal Relations.

Adopted.

On motion of Mr. Oulton, the special order set for one o'clock this day as follows: Senate Joint Resolution No. 11—Motion to reconsider vote on rejection of Joint Resolution No. 11—was postponed and made special order for Tuesday, December twenty-third, at two o'clock P. M.

The resolution offered on yesterday was taken up, as follows:

*Resolved*, That Senators Crane and Eakin be and they are hereby added to the Committee on State Hospitals.

Adopted.

#### GENERAL FILE.

Senate Bill No. 12—An Act to provide for the appointment of additional Notaries Public in the Counties of Fresno, Tulare, and Humboldt. Amendments adopted; ordered engrossed.



Senate Bill No. 11—An Act to repeal an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March thirteenth, eighteen hundred and sixty-six.

Considered in Committee of the Whole; amended; ordered engrossed.

Senate Bill No. 20—An Act to exempt certain firemen from the payment of poll tax.

Recommendation of the committee that the bill do not pass adopted.

Senate Bill No. 39—An Act to amend an Act entitled an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to town lands.

Considered in Committee of the Whole; amended; ordered engrossed.

Senate Bill No. 31—An Act authorizing the State Treasurer to dispose of the sixty-five thousand dollars United States five-twenties, now held in trust for the University Fund.

Referred to the Committee on Finance.

Assembly Concurrent Resolution No. 4—Relative to printing Governor's Message and Yosemite Committee's report.

On the adoption of the resolution the ayes and noes were demanded by Messrs. Tuttle, McMurry, and DeHaven, and the Senate refused by the following vote:

AYES—Messrs. Andross, Bartlett, Boggs, Crane, Eakin, Farley, Garratt, Goodale, Graves, Hopkins, Laine, Martin, McCoy, McKusick, McMurry, Roach, and Spencer—17.

NOES—Messrs. Beck, Bush, DeHaven, Duffy, Dyer, Finney, Fraser, Gibbons, Hendricks, Kent, Keys, Lindsey, McCune, Neff, O'Connor, Oulton, Pendegast, Perkins, Turner, and Tuttle—20.

Senate Bill No. 48—An Act to authorize the transfer to the General Fund of the Soldiers' Bounty and other Funds.

Ordered engrossed.

The hour of twelve, meridian, having arrived, the Senate proceeded to meet the Assembly in Joint Assembly, to ballot for United States Senators.

## IN JOINT ASSEMBLY.

THURSDAY, December 18th, 1873.

The Joint Assembly met pursuant to the requirements of the Act of Congress to regulate the manner of holding elections for Senators in Congress, approved July twenty-fifth, eighteen hundred and sixty-six, the President of the Senate and the Speaker of the House presiding.

The Secretary of the Senate called the roll of the Senate, and the following Senators responded:

Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle.

The Chief Clerk of the Assembly called the roll of the Assembly, and the following Assemblymen were present:

Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Giffen, Gurnett, Hamill, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker.

The Secretary of the Senate read the proceedings in Joint Assembly as it appeared on the Senate Journal of Wednesday, December seventeenth, eighteen hundred and seventy-three, and the same was approved.

#### FULL TERM.

The roll of the Senate was called, and each Senator announced his choice for Senator for the full term, as follows:

	Farley.....	Booth.....	Shafter.....	Pendegast..
Andross.....			1	
Bartlett.....		1		
Beck.....	1			
Boggs.....	1			
Bush.....		1		
Crane.....			1	
DeHaven.....		1		
Duffy.....			1	
Dyer.....			1	
Eakin.....	1			
Edgerton.....		1		
Evans.....			1	
Farley.....				1
Finney.....			1	
Fraser.....			1	
Garratt.....		1		
Gibbons.....		1		
Goodale.....		1		
Graves.....	1			
Hendricks.....	1			
Hopkins.....			1	
Irwin.....	1			
Kent.....			1	
Keys.....	1			

	Farley.....	Booth.....	Shafter.....	Pendegast..
Laine.....		1		
Lindsey.....		1		
Martin.....		1		
McCoy.....	1			
McCune.....		1		
McKusick.....			1	
McMurry.....	1			
Neff.....			1	
O'Connor.....	1			
Oulton.....			1	
Pendegast.....	1			
Perkins.....		1		
Roach.....	1			
Spencer.....		1		
Turner.....		1		
Tuttle.....	1			

Whole number of Senators voting.....	40
Newton Booth received .....	14
James T. Farley received.....	13
James McMillan Shafter received.....	12
W. W. Pendegast received.....	1

The roll of the Assembly was called, with the following result:

	Booth.	Farley.	Shafter.
Ables.....	1		
Aldrich.....	1		
Amerman.....			1
Barton.....	1		
Bowers.....			1
Bradley.....	1		
Bryan.....	1		
Burt.....	1		
Byers.....	1		
Canfield.....	1		
Carter.....			1
Chandler.....	1		
Clark.....		1	
Coggins.....	1		
Cowdery.....	1		
Cressler.....	1		
Davis.....		1	
Dixon.....		1	

	Booth.	Farley.	Shafter.
Escandon .....		1	
Fahey .....		1	
Franck .....	1		
Freeman .....	1		
Freidenrich .....	1		
Ferguson .....		1	
Giffen .....		1	
Gilmore, of Calaveras .....			1
Gilmore, of El Dorado .....		1	
Gray .....	1		
Gurnett .....			1
Hamill .....	1		
Hammitt .....	1		
Hay .....	1		
Heald .....	1		
Higbie .....			
Hill .....			1
Howe .....		1	
Hurlburt .....	1		
Ingham .....		1	
Kercheval .....	1		
Klotz .....		1	
Knox .....	1		
Long .....			1
McBride .....		1	
McCallum .....		1	
Meyers .....	1		
Miller .....	1		
Morgan .....			1
Murphy .....		1	
Northcutt .....		1	
Northup .....		1	
Norton .....	1		
Parker .....		1	
Patterson .....	1		
Paulsell .....	1		
Peek .....			1
Pelham .....		1	
Pishon .....	1		
Rea .....	1		
Rogers .....	1		
Roush .....	1		
Russell .....		1	
Simpers .....		1	
Simpson .....	1		
Snyder .....			1
Stowers .....		1	
Summers .....		1	



	Booth.	Farley.	Shafter.
Swift .....	1		
Terrill .....	1		
Tinnin .....		1	
Thomas .....	1		
Tully .....		1	
Vandall .....	1		
Venable .....		1	
Welch .....	1		
Wickware .....	1		
Williams .....		1	
Winchell .....	1		
Wright .....		1	
Mr. Speaker .....	1		

Whole number of votes cast .....	119
Necessary to a choice .....	60
Newton Booth received .....	56
James T. Farley received .....	41
J. McMillan Shafter received .....	21
W. W. Pendegast received .....	1

No choice.

Mr. Irwin moved that the Joint Assembly do now proceed to the election of a United States Senator in Congress, to fill the vacancy occasioned by the resignation of the Hon. Eugene Casserly.

The motion prevailed.

The Secretary of the Senate called the roll of the Senate, and each Senator pronounced the name of the person for whom he voted, as follows:

	Hager .....	Shafter .....	Downey ...	Goodwin....	DeHaven....	Pucheco ...	Belcher .....	Temple.....
Andross .....		1						
Bartlett .....	1							
Beck .....	1							
Boggs .....	1							
Bush .....			1					
Crane .....		1						
DeHaven .....				1				
Duffy .....		1						
Dyer .....		1						
Eakin .....	1							
Edgerton .....					1			
Evans .....		1						

	Hager.....	Shafter .....	Downey .....	Goodwin.....	DeHaven .....	Pacheco .....	Belcher .....	Temple.....
Farley .....	1							
Finney .....		1						
Fraser .....		1						
Garratt.....		1						
Gibbons.....						1		
Goodale.....							1	
Graves .....	1							
Hendricks.....	1							
Hopkins.....		1						
Irwin .....	1							
Kent .....		1						
Keys.....	1							
Laine .....								1
Lindsey .....			1					
Martin.....	1							
McCoy.....	1							
McCune.....	1							
McKusick.....		1						
McMurry .....	1							
Neff.....		1						
O'Connor .....	1							
Oulton .....		1						
Pendegast.....	1							
Perkins .....							1	
Roach .....	1							
Spencer.....							1	
Turner .....		1						
Tuttle .....	1							

Whole number of Senators voting.....	40
John S. Hager received.....	17
J. McMillan Shafter received.....	14
John G. Downey received .....	2
J. O. Goodwin received.....	1
J. J. DeHaven received.....	1
R. Pacheco received.....	1
I. S. Belcher received.....	3
Jackson Temple received.....	1

The Chief Clerk of the Assembly called the roll of that body, and each member present announced the name of his choice, as follows:



	Hager	Shafter	Freeman	Swift	Haymond	Belcher	Goodwin	Cole	Downey	Murphy	Laine	DeHaven	Haight	Gildea	Edgerton
Summers.....	1														
Terrill.....													1		
Tinnin.....	1														
Tully.....	1														
Venable.....									1						
Welch.....	1														
Williams.....	1														
Winchell.....						1									
Wright.....	1														
Mr. Speaker...											1				

Whole number of votes cast.....	118
Necessary to a choice.....	60
J. S. Hager received.....	41
J. McMillan Shafter received.....	24
John G. Downey received.....	6
Jackson Temple received...	1
J. O. Goodwin received.....	2
I. S. Belcher received.....	8
J. J. DeHaven received.....	3
R. Pacheco received.....	1
F. S. Freeman received.....	1
J. F. Swift received.....	2
Creed Haymond received.....	6
Cornelius Cole received.....	1
J. E. Murphy received.....	1
T. H. Laine received.....	3
H. H. Haight received.....	8
Charles Gildea received.....	1
Henry Edgerton received.....	3
Mr. Norton received.....	1
George C. Perkins received.....	1
E. Fahy received.....	1
M. M. Estee received.....	1
Caleb T. Fay received.....	1
T. G. Phelps received.....	1

No choice.

At one o'clock P. M., on motion of Mr. Pendegast, the Joint Assembly adjourned to meet again on Friday, the nineteenth instant, at twelve o'clock M.

#### IN SENATE.

At one o'clock and five minutes P. M., Senate reassembled.

President in the chair.

Roll called, and a quorum present.

Mr. Laine introduced a bill, by leave, as follows:

An Act to repeal section one thousand nine hundred and thirty-six of



the Political Code of the State of California, concerning jury duty and the payment of poll taxes in certain cases.

Read first and second times and referred to the Judiciary Committee.

On motion of Mr. McKusick, Assembly Bill No. 28—"An Act to create a Board of Canvassers for the County of El Dorado, and other matters relating thereto"—was taken up and placed on its passage.

Considered in Committee of the Whole.

Read third time and passed.

At one o'clock and twelve minutes P. M., on motion of Mr. Finney, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Friday, December 19th, 1873. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Mr. Neff submitted a report as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 12—An Act to provide for the appointment of additional Notaries Public in the Counties of Fresno, Tulare, and Humboldt.

Also, Senate Bill No. 11—An Act to repeal an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March thirteenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 48—An Act to authorize the transfer to the General Fund of the money in the Soldiers' Bounty Fund, the Line Officers' Fund, and the Hospital Fund.

Also, Senate Bill No. 39—An Act to amend an Act entitled an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State, by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-eight.

NEFF, Chairman.

By Mr. McKusick:

MR. PRESIDENT: The Committee on Public Lands, to whom was referred Senate Joint Resolution No. 13—To restore lands granted the Folsom

and Placerville Railroad and Telegraph Company to the public domain—report the same back, and recommend its passage.

McKUSICK, Chairman.

Mr. Irwin verbally reported back Senate Bill No. 31—An Act authorizing the State Treasurer to dispose of the sixty-five thousand dollars United States five-twenties, now held in trust for the University Fund, and to purchase State bonds of the funded debt of eighteen hundred and seventy-three—with amendments, and recommended its passage as amended.

Subsequently, on motion of Mr. Irwin, the bill was taken up under a suspension of the rules, considered in Committee of the Whole, amendments adopted, considered engrossed, read third time and passed.

Mr. Crane submitted a report, as follows:

MR. PRESIDENT: Your committee to whom was referred Assembly Bill No. 21—An Act concerning roads and highways in the County of Yuba, approved February third, eighteen hundred and seventy-two—have had the same under consideration, and report the same back, and recommend its passage.

CRANE,  
SPENCER,  
Delegation.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
December 19th, 1873. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eighteenth instant, passed Senate Bill No. 10—An Act to provide for the building of and furnishing a Court House, offices, and Jail, in Merced County, and for improving the Court House grounds.

Also, Senate Joint Resolution No. 3—Asking Congress to allow the people of the State to use the waters of the State for the general good of the people, and not for private purposes of speculation.

Also, that the Assembly herewith returns Senate Concurrent Resolution No. 14, as requested by your honorable body.

WEBBER,  
Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tuttle—An Act to amend certain sections of, to repeal certain sections of, and to add certain new sections to the Political Code of the State of California.

Read first and second times, referred to the Committee on Education, and ordered printed.

By Mr. Bartlett—An Act to amend an Act to authorize and direct the County Judges of the several counties of the State to execute certain

trusts in relation to town lands granted to the unincorporated towns of this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands—approved March second, eighteen hundred and sixty seven, approved March thirteenth, eighteen hundred and sixty-eight.

Read first and second times and referred to the Judiciary Committee.

By Mr. Eakin—An Act granting the right of way to the Yosemite Turnpike Road Company, to construct a toll road over the Yosemite Grant.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Hopkins—An Act supplemental to an Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County, approved March fourth, eighteen hundred and seventy.

Read first and second times and referred to the delegation.

By Mr. McMurry (by request)—An Act to provide for the payment of certain outstanding bonds of the State of California.

Read first and second times and referred to the Committee on Claims.

By Mr. McKusick—An Act to amend section two thousand nine hundred and fifty-eight of the Political Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Evans—An Act to pay the claim of George Seckel, late Clerk of the Supreme Court.

Read first and second times, and, with a paper accompanying the bill, referred to the Judiciary Committee.

By Mr. Lindsey—An Act to fix the terms of the County Court of the County of Tulare.

Read first and second times and ordered on file.

By Mr. McKusick—An Act to empower Ferdinand Dumarchais, a minor, to execute a conveyance of real estate.

Read first and second times and referred to the Judiciary Committee.

By Mr. Laine—An Act to repeal the several special road laws in the County of Santa Clara, in the State of California.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. O'Connor—An Act to repeal sections six hundred and eighty-four and six hundred and eighty-five of the Political Code of the State of California.

Read first and second times and referred to the Judiciary Committee.

By Mr. Pendegast—An Act to amend sections seventeen, twelve hundred and five, and fourteen hundred and forty-six of the Penal Code.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. McCune gave the following notice of an Act to provide for the construction of county buildings at the City of Vallejo, in the County of Solano, and other matters relating thereto.

Mr. Pendegast offered a resolution, as follows:

*Resolved*, That the Secretary of State be requested to furnish the Judiciary Committee with two sets of the California Codes, and with two copies of the Statutes Continued in Force.

Adopted.

## GENERAL FILE.

Senate Bill No. 40—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

Read third time and passed.

At eleven o'clock and forty-eight minutes A. M., on motion of Mr. Neff, the Senate took a recess to twelve o'clock M.

## REASSEMBLED.

At twelve o'clock M. the Senate reassembled.

President in the chair.

Roll called and quorum present.

The Senate proceeded to meet the Assembly in Joint Assembly, to ballot for United States Senators.

## IN JOINT ASSEMBLY.

FRIDAY, December 19th, 1873.

The Joint Assembly met pursuant to adjournment, and in conformity to the Act of Congress heretofore recited.

The President of the Senate and the Speaker of the House presiding.

The Secretary of the Senate called the roll of the Senate, and the following Senators responded:

Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—40.

The Chief Clerk of the Assembly called the roll of the Assembly, and the following members were present:

Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fabey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Giffen, Gurnett, Hamill, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Ingham, Kerecheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peck, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandal, Venable, Welch, Wickware, Winchell, Wright, and Mr. Speaker—79.

The Secretary of the Senate read the proceedings held in Joint Assembly, on Thursday, December eighteenth, eighteen hundred and seventy-three, as they appeared upon the Senate Journal of that day.

Mr. Chandler stated that he was recorded as voting in Joint Assembly, on yesterday, for Mr. Shafter, but that he voted for I. S. Belcher. The



change was made, when the proceedings, as recorded in the Senate Journal, were approved.

FOR SENATOR FOR THE FULL TERM.

The Secretary of the Senate called the roll of the Senate, and each Senator pronounced the name of his choice for Senator in Congress for the full term, as follows:

	Farley.	Booth.	Shafter.	Irwin.
Andross.....			1	
Bartlett.....		1		
Beck.....	1			
Boggs.....	1			
Bush.....		1		
Crane.....			1	
De Haven.....		1		
Duffy.....			1	
Dyer.....			1	
Eakin.....	1			
Edgerton.....		1		
Evans.....			1	
Farley.....				1
Finney.....		1		
Fraser.....			1	
Garratt.....		1		
Gibbons.....		1		
Goodale.....		1		
Graves.....		1		
Hendricks.....	1			
Hopkins.....			1	
Irwin.....	1			
Kent.....			1	
Keys.....	1			
Laine.....		1		
Lindsey.....		1		
Martin.....		1		
McCoy.....	1			
McCune.....				
McKusick.....			1	
McMurry.....	1			
Neff.....			1	
O'Connor.....	1			
Oulton.....			1	
Pendegast.....	1			
Perkins.....		1		
Roach.....	1			
Spencer.....		1		
Turner.....		1		
Tuttle.....	1			

Mr. McCune was excused from voting by action of the Joint Assembly.

The roll of the Assembly was called by the Chief Clerk, when the result of the vote of the Joint Assembly was declared as follows:

	Booth.	Farley.	Shafter.	Irwin.
Ables.....	1			
Aldrich .....	1			
Amerman .....			1	
Barton.....	1			
Bowers.....			1	
Bradley.....	1			
Bryan.....	1			
Burt.....	1			
Byers.....	1			
Byrnes.....	1			
Canfield .....	1			
Carter .....			1	
Chandler.....	1			
Clark .....		1		
Coggins.....	1			
Cowdery .....	1			
Cressler.....	1			
Davis.....		1		
Dixon .....		1		
Escandon .....		1		
Fabey .....		1		
Franck.....	1			
Freeman.....	1			
Freidenrich .....	1			
Ferguson.....		1		
Giffen.....		1		
Gilmore, of Calaveras.....			1	
Gilmore, of El Dorado.....		1		
Gray.....	1			
Gurnett.....			1	
Hamill.....	1			
Hammitt.....	1			
Hay .....	1			
Heald.....	1			
Higbie .....				
Hill .....		1		
Howe .....		1		
Hurlburt.....	1			
Ingham.....		1		
Kercheval .....	1			
Klotz.....		1		
Knox.....	1			
Long .....			1	
McBride.....		1		
McCallum.....	1			

	Booth.	Farley.	Shafter.	Irwin.
Meyers.....	1			
Miller.....	1			
Morgan.....			1	
Murphy.....		1		
Northcutt.....		1		
Northrup.....		1		
Norton.....	1			
Parker.....		1		
Patterson.....	1			
Paulsell.....	1			
Peek.....			1	
Pelham.....		1		
Pishon.....	1			
Rea.....	1			
Rogers.....	1			
Roush.....	1			
Russell.....		1		
Simpers.....		1		
Simpson.....	1			
Snyder.....			1	
Stowers.....		1		
Summers.....		1		
Swift.....	1			
Terrill.....	1			
Tinnin.....		1		
Thomas.....	1			
Tully.....		1		
Vandall.....	1			
Venable.....		1		
Welch.....	1			
Wickware.....	1			
Williams.....		1		
Winchell.....	1			
Wright.....		1		
Mr. Speaker.....	1			

Whole number of votes cast.....	118
Necessary to a choice.....	60
Newton Booth received.....	58
James T. Farley received.....	39
James McMillan Shafter received.....	20
William Irwin received.....	1

No choice.

The President directed the roll of the Senate to be again called, which the Secretary proceeded to do, and each Senator announced his choice for a Senator in Congress for the long term, as follows:

	Farley.	Booth.	Shafter.	Irwin.
Andross.....			1	
Bartlett .....		1		
Beck.....	1			
Boggs .....	1			
Bush .....		1		
Crane .....			1	
DeHaven.....		1		
Duffy .....			1	
Dyer .....			1	
Eakin .....	1			
Edgerton.....		1		
Evans.....			1	
Farley.....				1
Finney .....		1		
Fraser.....			1	
Garratt .....		1		
Gibbons .....		1		
Goodale .....		1		
Graves .....		1		
Hendricks.....	1			
Hopkins.....			1	
Irwin .....	1			
Kent.....			1	
Keys .....	1			
Laine.....		1		
Lindsey .....		1		
Martin .....		1		
McCoy .....	1			
McCune .....				
McKusick .....			1	
McMurry.....	1			
Neff .....			1	
O'Connor.....	1			
Oulton .....			1	
Pendegast .....	1			
Perkins .....		1		
Roach .....	1			
Spencer.....		1		
Turner .....		1		
Tuttle.....	1			



The Chief Clerk of the Assembly called the roll of that body, and the vote of the Joint Assembly was declared as follows:

	Booth.	Farley.	Shafter.	Irwin.
Ables.....	1			
Aldrich.....	1			
Amerman.....			1	
Barton.....	1			
Bowers.....			1	
Bradley.....	1			
Bryan.....	1			
Burt.....	1			
Byers.....	1			
Byrnes.....	1			
Canfield.....	1			
Carter.....			1	
Chandler.....	1			
Clark.....		1		
Coggins.....	1			
Cowdery.....	1			
Cressler.....	1			
Davis.....		1		
Dixon.....		1		
Escandon.....		1		
Fahey.....		1		
Franck.....	1			
Freeman.....	1			
Freidenrich.....	1			
Ferguson.....		1		
Giffen.....		1		
Gilmore, of Calaveras.....			1	
Gilmore, of El Dorado.....		1		
Gray.....	1			
Gurnett.....			1	
Hamill.....	1			
Hammitt.....	1			
Hay.....	1			
Heald.....	1			
Higbie.....				
Hill.....		1		
Howe.....		1		
Hurlburt.....	1			
Ingham.....		1		
Kercheval.....	1			
Klotz.....		1		
Knox.....	1			
Long.....			1	
McBride.....		1		
McCallum.....	1			
Meyers.....	1			
Miller.....	1			

	Booth.	Farley.	Shafter.	Irwin.
Morgan.....			1	
Murphy.....		1		
Northcutt.....		1		
Northup.....		1		
Norton.....	1			
Parker.....		1		
Patterson.....	1			
Paulsell.....	1			
Peek.....			1	
Pelham.....		1		
Pishon.....	1			
Rea.....	1			
Rogers.....	1			
Roush.....	1			
Russell.....		1		
Simpers.....		1		
Simpson.....	1			
Snyder.....			1	
Stowers.....		1		
Summers.....		1		
Swift.....	1			
Terrill.....	1			
Tinnin.....		1		
Thomas.....	1			
Tully.....		1		
Vandall.....	1			
Venable.....		1		
Welch.....	1			
Wickware.....	1			
Williams.....		1		
Winchell.....	1			
Wright.....		1		
Mr. Speaker.....	1			

Whole number of votes cast.....	118
Necessary to a choice.....	60
Newton Booth received.....	58
James T. Farley received.....	39
J. McMillan Shafter received.....	20
William Irwin received.....	1

No choice.

#### SHORT TERM.

On motion of Mr. Evans, the Joint Assembly now proceeded to ballot for a Senator in Congress for the short term.

The Secretary of the Senate called the roll of the Senate, and each Senator announced the name of his choice for such Senator, as follows:

	Hager .....	Shafer .....	Downey .....	Belcher .....	Laine .....	Roch .....	Bidwell .....
Andross .....		1					
Bartlett .....	1						
Beck .....	1						
Boggs .....	1						
Bush .....			1				
Crane .....		1					
DeHaven .....				1			
Duffy .....		1					
Dyer .....		1					
Eakin .....	1						
Edgerton .....			1				
Evans .....		1					
Farley .....	1						
Finney .....				1			
Fraser .....		1					
Garratt .....		1					
Gibbons .....					1		
Goodale .....				1			
Graves .....			1				
Hendricks .....	1						
Hopkins .....		1					
Irwin .....	1						
Kent .....		1					
Keys .....	1						
Laine .....						1	
Lindsey .....						1	
Martin .....	1						
McCoy .....	1						
McCune .....	1						
McKusick .....		1					
McMurry .....	1						
Neff .....		1					
O'Connor .....	1						
Oulton .....		1					
Pendegast .....	1						
Perkins .....							1
Roach .....	1						
Spencer .....				1			
Turner .....		1					
Tuttle .....	1						

The Chief Clerk called the roll of the Assembly, and the result of the vote in the Assembly was declared as follows:

	Hager.....	Shaffer.....	Belcher .....	Haight.....	Laine .....	Roach.....	Gildea.....	Downey.....	Rogers.....	Irwin .....	Bidwell .....
Ables.....								1			
Aldrich .....								1			
Amerman .....		1									
Barton .....										1	
Bowers .....		1									
Bradley .....			1								
Bryan.....								1			
Burt .....			1								
Byers .....											1
Byrnes .....		1									
Canfield.....								1			
Carter .....		1									
Chandler .....			1								
Clark.....	1										
Coggins .....						1					
Cowdery.....									1		
Cressler .....						1					
Davis.....	1										
Dixon.....	1										
Escandon.....	1										
Fahey .....											
Franck.....					1						
Freeman.....											1
Freidenrich.....				1							
Ferguson.....	1										
Giffen.....	1										
Gilmore, of Calaveras.....		1									
Gilmore, of El Dorado.....	1										
Gray.....									1		
Gurnett .....		1									
Hamill .....							1				
Hammitt .....					1						
Hay.....							1				
Heald .....	1										
Hill.....	1										
Howe .....						1					
Hurlburt.....			1								
Ingham.....	1										
Kercheval .....											
Klotz.....	1										
Knox.....			1								



	Hager.....	Shafter.....	Belcher .....	Haight.....	Laine .....	Roch .....	Gildea.....	Downey .....	Rogers.....	Irwin .....	Bidwell .....
Long .....	1										
McBride .....										1	
McCallum .....	1										
Meyers.....				1							
Miller.....											
Morgan .....		1									
Murphy .....											
Northcutt .....	1										
Northup .....											
Norton.....				1							
Parker .....				1							
Patterson .....									1		
Paulsell .....	1										
Peek.....		1									
Pelham.....	1										
Pishon .....								1			
Rea.....					1						
Rogers.....											
Roush .....								1			
Russell.....				1							
Simpers .....	1										
Simpson .....								1			
Snyder.....		1									
Stowers.....	1										
Summers .....	1										
Swift .....									1		
Terrill.....											
Tinnin.....	1										
Thomas .....									1		
Tully.....	1										
Vandall .....											
Venable .....								1			
Welch .....	1										
Wickware.....											
Williams .....	1										
Winchell.....			1								
Wright .....	1										
Mr. Speaker .....						1					

Whole number of votes cast.....	118
Necessary to a choice.....	60
J. S. Hager received.....	39
J. McMillan Shafter received.....	23
J. G. Downey received.....	10
I. S. Belcher received .....	10
Thomas H. Laine received.....	4

Philip Roach received .....	4
John Bidwell received.....	3
H. H. Haight received.....	5
— Rogers received.....	6
William Irwin received.....	2
Charles Gildea received .....	2
E. Steele received.....	1
J. E. Murphy received .....	1
F. S. Freeman received.....	1
George C. Perkins received.....	1
— Clarkson received.....	1
James W. Mandeville received .....	1
— Ables received .....	1
Thomas Keys received.....	1
Caleb T. Fay received.....	1
M. M. Estee received.....	1

No choice.

At one o'clock and thirty-three minutes P. M., on motion of Mr. Irwin, the Joint Assembly adjourned, to meet again on Saturday, December twentieth, at twelve o'clock M.

#### IN SENATE.

At one o'clock and thirty-five minutes P. M., Senate reassembled.

Roll called, and a quorum present.

At one o'clock and forty minutes P. M., on motion of Mr. Finney, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER,  
Saturday, December 20th, 1873. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### REPORTS.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined, and find correctly enrolled, Senate Joint Resolution No. 3, asking Congress to allow the people of the State to use the waters of the State for the general good of the people, and not for private purposes of speculation, and have presented the same to his Excellency the Governor, this day.

McMURRY, Chairman.

By Mr. Graves:

MR. PRESIDENT: The Committee on Federal Relations, to which was referred Senate Joint Resolution No. 9—relative to the establishment of a tri-weekly mail route from the Town of Middletown, in Lake County, via Glenbrook, to Uncle Sam, in the same county, State of California—having considered the same, report it back and recommend its adoption.

GRAVES, Chairman.

By Mr. Pendegast:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 16—An Act directing the Controller to advertise in a newspaper published in the County of Stanislaus of the sale of certain lands, the title of which is vested in the State of California, and Senate Bill No. 34, an Act to amend an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, and for other purposes—report the same back to the Senate with amendments, and respectfully recommend the adoption of the amendments and the passage of the bill.

Also, Senate Bill No. 27—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure, and Assembly Bill No. 16, an Act to amend an Act entitled "An Act to change the manner of electing Supervisors in the County of Del Norte, and prescribing the method thereof"—are hereby reported back without amendments, and their passage is respectfully recommended.

Also, Senate Bill No. 42—An Act to prevent and punish official misconduct—is reported back without action, for the reason that the objects therein sought are already attained by the Penal Code, sections eighty-five and eighty-six, et seq.

The resolution instructing the Judiciary Committee to give their opinion upon the legality of the tax on tide and overflowed lands before payments have been made upon them, is reported back with a recommendation that it do not pass; the committee not deeming it a proper matter for their consideration, as their opinion would not be binding upon anybody, and might seem to be an effort on their part to influence the action of the Courts, where the questions involved should, of right, be determined.

Senate Bill No. 19 is hereby reported back with a substitute. We recommend the adoption of the substitute and the passage of the bill in that form.

PENDEGAST, Chairman.

By Mr. Farley:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 4—An Act to repeal an Act entitled an Act to empower the Boards of Supervisors of the several counties of the State to aid in the construction of railroads in their respective counties—report a substitute therefor, and recommend the adoption and passage of the substitute.

FARLEY, Chairman.

By Mr. Laine. Minority report of Senate Committee on Corporations in regard to Assembly Bill No. 4:

MR. PRESIDENT: The minority of your Committee on Corporations, to whom was referred Assembly Bill No. 4, beg leave to say, they agree with the majority of the committee in reporting the substitute for said bill as reported by the committee, but believe that said substitute should be so amended as to guard and protect rights that have accrued to individuals under the laws proposed to be repealed by said substitute, believing that justice demands such a course; and they respectfully propose the amendment to section one of said substitute hereunto attached, which amendment they propose should be inserted at the end of section one of said substitute, as reported by the committee.

J. H. LAINE,  
W. J. GRAVES.

By Mr. Graves:

MR. PRESIDENT: The Committee on Federal Relations, to which was referred Senate Concurrent Resolution No. 14—Relative to the employment of coolie labor, etc.—having duly considered the same, report it back and recommend its adoption.

W. J. GRAVES, Chairman.

By Mr. Keys:

MR. PRESIDENT: The Stanislaus delegation, to whom was referred Senate Bill No. 47—An Act entitled an Act to provide for the building of a school house in Modesto School District, in the County of Stanislaus, State of California—report the same back and recommend its passage.

KEYS, for Delegation.

MR. HOPKINS verbally reported Senate Bill No. 59—An Act supplemental to an Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County, approved March fourth, eighteen hundred and seventy—and recommended its passage.

On motion of Mr. Hopkins, the rules were suspended, and the bill placed on its passage, considered engrossed, read a third time and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
December 20th, 1873. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eighteenth instant, amended and passed Senate Bill No. 4—An Act to amend section four hundred and nine of the Political Code of the State of California.

Also, on the nineteenth instant, passed Assembly Bill No. 47—An Act to repeal section three thousand seven hundred and fifty-seven of the Political Code.

Also, adopted Assembly Concurrent Resolution No. 2—Relative to a breakwater at Crescent City, Del Norte County.

BRUMSEY,  
Assistant Clerk.



## CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 4, above reported, was referred to the Judiciary Committee.

Assembly Bill No. 47, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Concurrent Resolution No. 2, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

## REPORT.

The following report was submitted:

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 31—An Act authorizing the State Treasurer to dispose of the sixty-five thousand dollars United States five-twenty bonds now held in trust for the University Fund, and to purchase State bonds of the funded debt of eighteen hundred and seventy-three.

NEFF, Chairman.

## INTRODUCTION OF BILLS.

The following bill was introduced:

By Mr. Keys—An Act to repeal an Act concerning roads and highways in the County of Stanislaus, approved March tenth, eighteen hundred and sixty-six.

Read first and second times, and ordered on file.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. McMurry moved that the contested election papers of Gildea v. Fraser, be referred to the Committee on Elections.

So ordered.

Mr. Oulton offered a joint resolution relative to restoring the odd sections reserved for the Atlantic and Pacific Railroads in the Counties of San Luis Obispo, Monterey, Santa Cruz, Santa Clara, San Mateo, and San Francisco, to preëmption homestead entry.

Read first and second times, and referred to the Committee on Corporations.

Mr. Laine offered a concurrent resolution, as follows:

*Resolved by the Senate, the Assembly concurring,* That when we adjourn this day, we adjourn to meet Monday, January fifth, at half-past two o'clock P. M.

On which the ayes and noes were demanded by Messrs. O'Connor, McKusick, and Finney, and the resolution was adopted by the following vote:

AYES—Messrs. Beck, Boggs, Bush, De Haven, Duffy, Dyer, Eakin, Fraser, Garratt, Gibbons, Hopkins, Kent, Laine, McCoy, McKusick, Neff, Oulton, Roach, Spencer, and Tuttle—20.

NOES—Messrs. Andross, Bartlett, Crane, Evans, Farley, Finney, Goodale, Graves, Hendricks, Irwin, Keys, Lindsey, Martin, McCune, McMurry, O'Connor, Pendegast, Perkins, and Turner—19.

#### GENERAL FILE.

Senate Bill No. 12—An Act to provide for the appointment of additional Notaries Public in the Counties of Fresno, Tulare, and Humboldt.

Read third time, and passed.

Senate Bill No. 11—An Act to repeal an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March thirteenth, eighteen hundred and sixty-six.

Read third time, and passed.

Senate Bill No. 48—An Act to authorize the transfer to the General Fund of the money in certain Funds.

Read third time, and passed.

Senate Bill No. 39—An Act to amend an Act entitled an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to town lands.

Pending the consideration of the bill, the hour of twelve o'clock M. having arrived, the Senate proceeded to meet the Assembly in Joint Assembly.

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#### IN JOINT ASSEMBLY.

SATURDAY, December 20th, 1873—12 o'clock M.

The Joint Assembly met pursuant to adjournment, and in accordance with the Act of Congress providing for the manner of electing United States Senators.

The President of the Senate and the Speaker of the House presiding.

The Secretary of the Senate called the roll of the Senate, and the following Senators responded:

Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—38.

The Chief Clerk of the Assembly called the roll of the Assembly, and the following members responded:

Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Giffen, Gurnett, Hamill, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin,

Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—79.

The Secretary of the Senate read from the Senate Journal the proceedings in Joint Assembly, for Friday, December nineteenth, eighteen hundred and seventy-three, and the same were approved.

BALLOT FOR UNITED STATES SENATOR FOR THE FULL TERM.

The Secretary of the Senate called the roll of the Senate, and each Senator present pronounced the name of the person for whom he voted, as follows:

	Farley.	Booth.	Shafter.	Irwin.
Andross.....			1	
Bartlett.....		1		
Beck .....	1			
Boggs .....	1			
Bush .....		1		
Crane .....			1	
De Haven.....		1		
Duffy .....			1	
Dyer .....			1	
Eakin .....	1			
Edgerton.....		1		
Evans.....			1	
Farley .....				1
Finney.....		1		
Fraser.....			1	
Garratt .....		1		
Gibbons .....		1		
Goodale.....		1		
Graves .....		1		
Hendricks.....	1			
Hopkins .....			1	
Irwin .....	1			
Kent .....			1	
Keys .....	1			
Laine .....		1		
Lindsey .....		1		
Martin .....		1		
McCoy .....	1			
McCune .....		1		
McKusick .....			1	
McMurry .....	1			
Neff .....			1	
O'Connor.....	1			
Oulton .....			1	
Pendegast .....	1			
Perkins .....		1		

	Farley.	Booth.	Shafter.	Irwin.
Roach .....	1	.....	.....	.....
Spencer .....	.....	1	.....	.....
Turner .....	.....	1	.....	.....
Tuttle .....	1	.....	.....	.....

The Chief Clerk of the Assembly called the roll of the Assembly, and the vote was declared as follows:

	Booth.	Shafter.	Farley.
Ables.....	1	.....	.....
Aldrich .....	1	.....	.....
Amerman .....	.....	1	.....
Barton .....	1	.....	.....
Bowers .....	.....	1	.....
Bradley.....	1	.....	.....
Bryan .....	1	.....	.....
Burt.....	1	.....	.....
Byers .....	1	.....	.....
Byrnes.....	1	.....	.....
Canfield.....	1	.....	.....
Carter .....	.....	1	.....
Chandler.....	1	.....	.....
Clark.....	.....	.....	1
Coggins.....	1	.....	.....
Cowdery.....	1	.....	.....
Cressler .....	1	.....	.....
Davis.....	.....	.....	1
Dixon.....	.....	.....	1
Escandon .....	.....	.....	1
Fahey .....	.....	.....	1
Franck .....	1	.....	.....
Freeman .....	1	.....	.....
Freidenrich .....	1	.....	.....
Ferguson.....	.....	.....	1
Giffen .....	.....	.....	1
Gilmore, of Calaveras.....	.....	1	.....
Gilmore, of El Dorado.....	.....	.....	1
Gray.....	1	.....	.....
Gurnett.....	.....	1	.....
Hamill.....	1	.....	.....
Hammitt.....	1	.....	.....
Hay .....	1	.....	.....
Heald .....	1	.....	.....
Higbie.....	.....	.....	.....



	Booth.	Shafter.	Farley.
Hill.....			1
Howe.....			1
Hurlburt.....	1		
Ingham.....			1
Kercheval .....	1		
Klotz.....	1		
Knox.....	1		
Long .....		1	
McBride .....			1
McCallum.....	1		
Meyers.....	1		
Miller .....	1		
Morgan.....		1	
Murphy .....			1
Northcutt .....			1
Northup.....			1
Norton .....	1		
Parker .....			1
Patterson .....	1		
Paulsell.....	1		
Peek .....		1	
Pelham .....			1
Pishon.....	1		
Rea .....	1		
Rogers .....	1		
Roush .....	1		
Russell .....	1		
Simpers.....			1
Simpson.....	1		
Snyder .....		1	
Stowers .....			1
Summers .....			1
Swift .....	1		
Terrill .....	1		
Tinnin.....			1
Thomas .....	1		
Tully.....			1
Vandall .....	1		
Venable .....			1
Welch .....	1		
Wickware .....	1		
Williams.....			1
Winchell.....	1		
Wright .....			1
Mr. Speaker.....	1		

Whole number of votes cast.....119  
 Necessary to a choice.....60  
 Newton Booth received.....61

J. T. Farley received.....	37
J. McM. Shafter received.....	20
William Irwin received.....	1

Whereupon, it appearing that Newton Booth, having received a majority of all the votes cast by the members elected to both Houses, being present and voting in Joint Assembly, was, by the President, declared duly elected to represent the State of California in the Senate of the United States for the term of six years, from March fourth, eighteen hundred and seventy-five—from and after the expiration of the term of office of the Hon. Eugene Casserly.

On motion of Mr. Clark, the Joint Assembly proceeded to ballot for a Senator for the short term.

Mr. Bush nominated J. G. Downey.

Mr. Bradley nominated Cornelius Cole.

The Secretary of the Senate called the roll of the Senate, and each Senator present pronounced the name of the person for whom he voted, as follows:

	Hager .....	Shafter .....	Downey....	Cole .....	Belcher ...	Perkins ....	Laine.....
Andross.....		1					
Bartlett.....	1						
Beck.....	1						
Boggs.....	1						
Bush.....			1				
Crane.....		1					
DeHaven .....				1			
Duffy .....		1					
Dyer .....		1					
Eakin .....	1						
Edgerton.....						1	
Evans .....		1					
Farley .....	1						
Finney .....					1		
Fraser.....		1					
Garratt.....		1					
Gibbons.....							1
Goodale.....						1	
Graves .....			1				
Hendricks.....	1						
Hopkins.....		1					
Irwin.....	1						
Kent .....							
Keys .....	1						
Laine .....	1						
Lindsey.....	1						
Martin .....	1						
McCoy .....	1						
McCune .....	1						

	Hager.....	Shafter.....	Downey.....	Cole.....	Belcher.....	Perkins.....	Laine.....
McKusick .....	.....	1	.....	.....	.....	.....	.....
McMurry .....	1	.....	.....	.....	.....	.....	.....
Neff.....	.....	1	.....	.....	.....	.....	.....
O'Connor .....	1	.....	.....	.....	.....	.....	.....
Oulton.....	.....	1	.....	.....	.....	.....	.....
Pendegast.....	1	.....	.....	.....	.....	.....	.....
Perkins .....	.....	.....	.....	.....	1	.....	.....
Roach.....	1	.....	.....	.....	.....	.....	.....
Spencer .....	.....	.....	.....	.....	1	.....	.....
Turner.....	.....	1	.....	.....	.....	.....	.....
Tuttle .....	1	.....	.....	.....	.....	.....	.....

The Chief Clerk of the Assembly called the roll of that body, and the result was declared as follows:

	Hager.	Shafter.	Cole.	Scattering.
Ables .....	.....	.....	.....	1
Aldrich.....	.....	.....	1	.....
Amerman .....	.....	1	.....	.....
Barton .....	.....	.....	.....	1
Bowers .....	.....	1	.....	.....
Bradley .....	.....	.....	1	.....
Bryan.....	.....	.....	.....	1
Burt .....	.....	.....	1	.....
Byers .....	.....	.....	1	.....
Byrnes .....	.....	1	.....	.....
Canfield .....	1	.....	.....	.....
Carter .....	.....	1	.....	.....
Chandler .....	.....	.....	1	.....
Clark .....	1	.....	.....	.....
Coggins .....	.....	.....	1	.....
Cowdery .....	.....	.....	.....	1
Cressler .....	.....	.....	1	.....
Davis .....	1	.....	.....	.....
Dixon.....	1	.....	.....	.....
Escandon .....	1	.....	.....	.....
Fahey .....	1	.....	.....	.....
Franck .....	.....	.....	1	.....
Freeman.....	.....	.....	1	.....
Freidenrich .....	.....	.....	.....	1
Ferguson .....	1	.....	.....	.....
Giffen .....	1	.....	.....	.....
Gilmore, of Calaveras .....	.....	1	.....	.....
Gilmore, of El Dorado .....	1	.....	.....	.....
Gray .....	.....	.....	.....	1

	Hager.	Shafter.	Cole.	Scattering.
Gurnett .....		1		
Hamill .....	1			
Hammitt .....			1	
Hay .....	1			
Heald .....	1			
Hill .....	1			
Howe .....	1			
Hurlburt .....				1
Ingham .....	1			
Kercheval .....				1
Klotz .....	1			
Knox .....			1	
Long .....		1		
McBride .....	1			
McCallum .....	1			
Meyers .....	1			
Miller .....				1
Morgan .....		1		
Murphy .....				1
Northcutt .....	1			
Northup .....				1
Norton .....				1
Parker .....				1
Patterson .....			1	
Paulsell .....	1			
Peek .....		1		
Pelbam .....	1			
Pishon .....				1
Rea .....			1	
Rogers .....	1			
Roush .....	1			
Russell .....				1
Simpers .....	1			
Simpson .....				1
Snyder .....		1		
Stowers .....	1			
Summers .....	1			
Swift .....			1	
Terrill .....				1
Tinnin .....	1			
Thomas .....	1			
Tully .....	1			
Vandall .....			1	
Venable .....				1
Welch .....	1			
Wickware .....				1
Williams .....	1			
Winchell .....				1
Wright .....	1			
Mr. Speaker .....	1			



Whole number of votes cast.....	119
Necessary to a choice .....	60
J. S. Hager received.....	52
J. McM. Shafter received .....	23
J. G. Downey received.....	6
Geo. C. Perkins received .....	3
T. H. Laine received.....	1
I. S. Belcher received.....	6
C. Cole received.....	16
J. F. Cowdery received.....	1
W. Irwin received.....	1
—— Ables received.....	1
H. H. Haight received.....	4
—— Freeman received.....	1
P. Roach received.....	1
O. Thorne received.....	1
T. J. Keys received.....	1
W. Bartlett received.....	1

No choice.

Mr. Edgerton moved that the Joint Assembly adjourn, to meet again on Tuesday, January sixth, eighteen hundred and seventy-four, at twelve o'clock M.; on which the ayes and noes were demanded by Messrs. Duffy, Neff, and Crane, and the motion was lost, by the following vote:

AYES—Messrs. Andross, Boggs, Crane, De Haven, Duffy, Dyer, Edgerton, Evans, Finney, Fraser, Garratt, Gibbons, Goodale, Hopkins, Kent, McKusick, Neff, Turner, Ables, Byers, Byrnes, Cowdery, Freeman, Gilmore of Calaveras, Gray, Gurnett, Long, Patterson, Peek, Snyder, Terrill, and Tully—32.

NOES—Messrs. Bartlett, Beck, Bush, Eakin, Farley, Hendricks, Irwin, Keys, Laine, Lindsey, Martin, McCoy, McCune, McMurry, O'Connor, Oulton, Perkins, Roach, Spencer, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Canfield, Carter, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freidenrich, Ferguson, Gilmore of El Dorado, Giffen, Hamill, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Ingham, Kereheval, Klotz, Knox, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Stowers, Summers, Swift, Tinnin, Thomas, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—83.

Mr. Coggins moved that the Joint Assembly adjourn to twelve o'clock M. on Monday next.

Lost.

Mr. Bartlett moved to take a recess until three o'clock P. M.

Lost.

## SECOND BALLOT.

Mr. Finney nominated T. G. Phelps, when the Secretary of the Senate called the roll of the Senate, and each Senator present voted his choice, as follows:

	Hager.	Shafter.	Phelps.	Downey.	Perkins.	Laine.	Belcher.
Andross.....		1					
Bartlett.....	1						
Beck.....	1						
Boggs.....	1						
Bush.....				1			
Crane.....		1					
DeHaven.....					1		
Duffy.....		1					
Dyer.....		1					
Eakin.....	1						
Edgerton.....			1				
Evans.....		1					
Farley.....	1						
Finney.....			1				
Fraser.....		1					
Garratt.....		1					
Gibbons.....						1	
Goodale.....			1				
Hendricks.....	1						
Hopkins.....		1					
Irwin.....	1						
Kent.....		1					
Keys.....	1						
Laine.....	1						
Lindsey.....	1						
Martin.....	1						
McCoy.....	1						
McCune.....	1						
McKusick.....		1					
McMurry.....	1						
Neff.....		1					
O'Connor.....	1						
Oulton.....		1					
Pendegast.....	1						
Perkins.....							1
Roach.....	1						
Spencer.....		1					
Turner.....							1
Tuttle.....	1						

The Chief Clerk called the roll of the Assembly, and the result was declared as follows:

	Hager .....	Shafter .....	Cole .....	Haight .....	Phelps .....	Perkins .....	Belcher .....	Downey .....
Ables .....				1				
Aldrich .....					1			
Amerman .....		1						
Barton .....				1				
Bowers .....		1						
Bradley .....			1					
Bryan .....				1				
Burt .....					1			
Byers .....						1		
Byrnes .....		1						
Canfield .....						1		
Carter .....		1						
Chandler .....			1					
Clark .....	1							
Coggins .....			1					
Cowdery .....					1			
Cressler .....			1					
Davis .....	1							
Dixon .....	1							
Escandon .....								
Fahey .....	1							
Franck .....			1					
Freeman .....			1					
Freidenrich .....				1				
Ferguson .....	1							
Giffen .....	1							
Gilmore, of Calaveras .....		1						
Gilmore, of El Dorado .....	1							
Gray .....					1			
Gurnett .....		1						
Hamill .....	1							
Hammitt .....			1					
Hay .....	1							
Heald .....	1							
Higbie .....								
Hill .....	1							
Howe .....	1							
Hurlburt .....							1	
Ingham .....	1							
Kercheval .....					1			
Klotz .....	1							
Knox .....			1					
Long .....		1						
McBride .....	1							
McCallum .....	1							

	Hager .....	Shafter .....	Cole .....	Haight .....	Phelps.....	Perkins.....	Belcher .....	Downey ....
Meyers.. .....	1							
Miller.....						1		
Morgan.....		1						
Murphy .....								1
Northcutt .....	1							
Northup .....								1
Norton .....				1				
Parker .....				1				
Patterson .....			1					
Paulsell .....	1							
Peck.....		1						
Pelham .....	1							
Pishon .....								1
Rea.....			1					
Rogers.....	1							
Roush .....	1							
Russell .....				1				
Simpers .....	1							
Simpson.....								1
Snyder.....		1						
Stowers .....	1							
Summers.....	1							
Swift.....		1						
Terrill.....				1				
Tinnin.....	1							
Thomas .....	1							
Tully.....	1							
Vandall .....			1					
Venable .....								1
Welch.....	1							
Wickware .....					1			
Williams .....	1							
Winchell.....							1	
Wright.....	1							
Mr. Speaker.....	1							

Whole number of votes cast.....	117
Necessary to a choice.....	59
J. S. Hager received.....	50
J. McM. Shafter received.....	24
T. G. Phelps received.....	9
J. G. Downey received.....	6
Geo. C. Perkins received.....	4
T. H. Laine received.....	1
I. S. Belcher received.....	4



H. H. Haight received.....	8
C. Cole received.....	11

No choice.

Mr. Edgerton moved that the Joint Assembly do now adjourn; on which the ayes and noes were demanded by Messrs. Williams, Ferguson, and Gilmore of El Dorado, and the motion was announced to have prevailed, by the following vote:

**AYES**—Messrs. Beck, Boggs, Bush, De Haven, Dyer, Edgerton, Evans, Finney, Fraser, Garratt, Gibbons, Goodale, Hopkins, Kent, Keys, Martin, McKusick, Neff, Perkins, Turner, Ables, Aldrich, Amerman, Barton, Bradley, Bryan, Burt, Byers, Byrnes, Carter, Chandler, Cowdery, Cressler, Fahey, Franck, Freeman, Freidenrich, Gilmore of Calaveras, Gray, Garnett, Hammitt, Hurlburt, Kercheval, Knox, Long, Morgan, Norton, Parker, Patterson, Peek, Pishon, Snyder, Swift, Terrill, Thomas, Vandall, Venable, Winchell, and Mr. Speaker—59.

**NOES**—Messrs. Andross, Bartlett, Crane, Duffy, Eakin, Farley, Graves, Hendricks, Irwin, Laine, Lindsey, McCoy, McCune, McMurry, O'Connor, Oulton, Roach, Spencer, Tuttle, Bowers, Canfield, Clark, Coggins, Davis, Dixon, Escandon, Ferguson, Gilmore of El Dorado, Giffen, Hamill, Hay, Heald, Hill, Howe, Ingham, Klotz, McBride, McCallum, Meyers, Miller, Murphy, Northcutt, Northup, Paulsell, Pelham, Rea, Rogers, Roush, Russell, Simpers, Simpson, Stowers, Summers, Tinnin, Tully, Welch, Wickware, Williams, and Wright—58.

#### IN SENATE.

Senate reassembled.

The President in the chair.

Roll called, and a quorum present.

The President appointed Messrs. Hendricks and Finney the Committee on the part of the Senate on the Geological Survey.

#### GENERAL FILE RESUMED.

Consideration of Senate Bill No. 39 was resumed.

Read a third time and passed.

Assembly Bill No. 21—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Yuba.

Read a third time and passed.

Senate Joint Resolution No. 13—To restore lands granted to the Folsom and Placerville Railroad and Telegraph Company to the public domains.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 63—An Act to fix the terms of the County Court of the County of Tulare.

Referred to the Judiciary Committee.

Senate Bill No. 4—An Act to amend section four thousand one hundred and nine of the Political Code of the State of California.

Assembly amendments concurred in.

At one o'clock and forty-eight minutes P. M., on motion of Mr. Neff, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Monday, December 22d, 1873. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of the Senate of Saturday last read and approved.

## LEAVE OF ABSENCE.

Mr. Pendegast was granted an indefinite leave of absence; Mr. Gar-  
nett, for one day; and Messrs Roach and Boggs for two days.

## REPORTS.

The following reports were submitted:

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 59—An Act supplemental to an Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County, approved March fourth, eighteen hundred and seventy.

Also, Senate Joint Resolution No. 13—To restore lands granted the Folsom and Placerville Railroad and Telegraph Company to the public domain.

NEFF, Chairman.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 10—An Act entitled an Act to provide for the building of and furnishing a Court House, offices, and jail in Merced County, and for improving the Court House grounds.

Also, Senate Bill No. 4—An Act entitled an Act to amend section four thousand one hundred and nine of the Political Code of the State of California.

Also, Senate Bill No. 31—An Act entitled an Act authorizing the State Treasurer to dispose of the sixty-five thousand dollars United States five-twenty bonds, now held in trust for the University Fund, and to purchase State bonds of the funded debt of eighteen hundred and seventy-three.

And have presented the same to his Excellency the Governor this day, at ten o'clock and forty-five minutes A. M., for his approval.

McMURRY, Chairman.

## RESOLUTION.

Mr. Beck offered the following resolution:

WHEREAS, a clerical error having been made in the report on mileage, therefore, be it

*Resolved*, That the additional amount of fifteen dollars and seventy-five cents, be and hereby is allowed Senator Eakin for mileage.

Adopted.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, December 20th, 1873. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 1—An Act giving the consent of the Legislature to Cornelius Finley, County Clerk of Santa Clara County, in the State of California, to absent himself from said State for a period not exceeding sixty days.

NEWTON BOOTH, Governor.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
December 20th, 1873. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 31—An Act authorizing the State Treasurer to dispose of the sixty-five thousand (65,000) dollars United States five-twenty bonds now held in trust for the University Fund, and to purchase State bonds of the funded debt of eighteen hundred and seventy-three.

WEBBER, Assistant Clerk.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hendricks—An Act to provide for the redemption of the outstanding bonds of Butte County.

Read first and second times and referred to the delegation.

By Mr. Kent—A Concurrent Resolution requesting Congress to grant certain land to the State of California.

Read first and second times and referred to the Committee on Federal Relations.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. McCune offered a resolution providing for the addition of Senator Bush to the Committee on Irrigation.

Laid over under the rules.

## GENERAL FILE.

Senate Joint Resolution No. 9 was returned, to take its place at the head of the General File.

Senate Bill No. 16—An Act directing the Controller to advertise in a newspaper published in the County of Stanislaus of the sale of certain lands, the title of which is vested in the State of California.

Considered in Committee of the Whole, amendments adopted, and ordered engrossed.

Senate Bill No. 34—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and for other purposes.

Considered in Committee of the Whole, amendments adopted, and ordered engrossed.

Senate Bill No. 27—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure.

Pending the consideration of the bill, the hour of twelve o'clock M. having arrived, the Senate proceeded to meet the Assembly in Joint Assembly.

## JOINT ASSEMBLY.

MONDAY, December 22d, 1873.

The Joint Assembly met at twelve o'clock M., pursuant to adjournment, and the requirements of the Act of Congress regulating the election of United States Senators in Congress.

The President of the Senate and Speaker of the House presiding.

The Secretary of the Senate called the roll of the Senate, and the following Senators responded:

Messrs. Andross, Bartlett, Beck, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Perkins, Spencer, Turner, and Tuttle.

The Chief Clerk of the Assembly called the roll of the Assembly, and the following members were present:

Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Giffen, Gurnett, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker,



Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker.

The Secretary of the Senate read from the Senate Journal so much of the proceedings in Joint Assembly on Saturday, December twentieth, eighteen hundred and seventy-three, as appeared upon that Journal.

The vote of the Speaker, on the final vote on adjournment, was changed from "aye" to "no," when the proceedings were approved as read.

Mr. Murphy offered a resolution, as follows:

*Resolved*, That the candidates for United States Senator for the unexpired term of Senator Casserly, be and they are hereby invited to appear before the Joint Assembly, to define their positions on the issues now before the people.

Lost.

At the request of Mr. Bartlett, a telegram was read from the Hon. H. H. Haight, declining to be a candidate for United States Senator.

#### FOR UNITED STATES SENATOR TO FILL THE VACANCY.

The Secretary called the roll of the Senate, and each Senator present announced the name of his choice for such Senator, as follows:

	Hager .....	Slusher .....	Downey .....	Belcher .....	Haymond .....	Phelps .....	Laine .....
Andross .....		1					
Bartlett .....	1						
Beck .....	1						
Boggs .....							
Bush .....			1				
Crane .....		1					
De Haven .....				1			
Duffy .....		1					
Dyer .....		1					
Eakin .....	1						
Edgerton .....					1		
Evans .....		1					
Farley .....	1						
Finney .....						1	
Fraser .....		1					
Garratt .....							
Gibbons .....							1
Goodale .....						1	
Graves .....			1				
Hendricks .....	1						

	Hager.....	Shafter.....	Downey.....	Belcher.....	Haymond..	Phelps.....	Laine.....
Hopkins .....		1					
Irwin .....	1						
Kent .....		1					
Keys .....	1						
Laine .....			1				
Lindsey.....	1						
Martin .....							1
McCoy.....							
McCune .....	1						
McKusick .....		1					
McMurry .....	1						
Neff.....		1					
O'Connor ..	1						
Oulton.....		1					
Pendegast .....							
Perkins.....							
Roach.....							
Spencer .....		1					
Turner.....				1			
Tuttle.....	1						

The Chief Clerk of the Assembly called the roll of the Assembly, and the result of the vote was declared as follows:

	Hager.....	Shafter.....	Haigh.....	Cole.....	Haymond..	Phelps.....	Scattering..
Ables.....			1				
Aldrich .....	1						
Amerman.....		1					
Barton.....			1				
Bowers.....		1					
Bradley.....				1			
Bryan.....					1		
Burt.....						1	
Byers.....				1			
Byrnes.....						1	
Canfield.....						1	
Carter.....		1					
Chandler.....				1			
Clark.....	1						
Coggins.....					1		
Cowdery.....			1				

	Hughes.....	Shafter.....	Haight.....	Cole.....	Haymond..	Phelps.....	Seattering..
Cressler .....			1				
Davis.....	1						
Dixon.....	1						
Escandon.....	1						
Fahey.....	1						
Franck.....				1			
Freeman.....				1			
Freidenrich .....			1				
Ferguson.....	1						
Giffen.....	1						
Gilmore, of Calaveras.....		1					
Gilmore, of El Dorado.....	1						
Gray.....							1
Gurnett.....		1					
Hamill.....	1						
Hammitt.....						1	
Hay.....	1						
Heald.....	1						
Higbie.....		1					
Hill.....	1						
Howe.....	1						
Hurlburt.....					1		
Ingham.....	1						
Kercheval.....			1				
Klotz.....	1						
Knox.....							1
Long.....		1					
McBride.....	1						
McCallum.....	1						
Meyers.....			1				
Miller.....							1
Morgan.....		1					
Murphy.....			1				
Norlicutt.....	1						
Northup.....	1						
Norton.....			1				
Parker.....			1				
Patterson.....				1			
Paulsell.....			1				
Peek.....		1					
Pelham.....	1						
Pishon.....			1				
Rea.....				1			
Rogers.....	1						
Roush.....	1						
Russell.....			1				
Simpers.....	1						
Simpson.....			1				

	Hager .....	Shafter .....	Haight .....	Cole .....	Haymond..	Phelps.....	Scattering..
Snyder.....		1					
Stowers.....	1						
Summers.....	1						
Swift.....	1						
Terrill.....			1				
Tinnin.....	1						
Thomas.....							
Tully.....	1						
Vandall.....				1			
Venable.....							1
Welch.....	1						
Wickware.....						1	
Williams .....	1						
Winchell .....							1
Wright.....	1						
Mr. Speaker.....							1

Whole number of votes cast.....	113
Necessary to a choice.....	57
J. S. Hager received.....	44
J. McMillan Shafter received.....	22
J. G. Downey received.....	4
I. S. Belcher received.....	5
Creed Haymond received.....	4
T. G. Phelps received.....	7
T. H. Laine received.....	3
H. H. Haight received.....	15
C. Cole received.....	8
George C. Perkins received.....	1

No choice.

Mr. McKusick moved that the Joint Assembly do now adjourn; on which the ayes and noes were demanded by the requisite number, and the motion was lost, by the following vote:

**AYES**—Messrs. Beck, Crane, De Haven, Duffy, Dyer, Edgerton, Evans, Finney, Goodale, Kent, McKusick, Neff, Spencer, Turner, Ables, Amerman, Bowers, Bradley, Byrnes, Carter, Chandler, Cowdery, Cressler, Freeman, Freidenrich, Gilmore of Calaveras, Gray, Hammitt, Hurlburt, Knox, Meyers, Miller, Morgan, Norton, Parker, Patterson, Paulsell, Peek, Swift, Vandall, Wickware, and Winchell—42.

**NOES**—Messrs. Andross, Bartlett, Bush, Eakin, Farley, Fraser, Gibbons, Hendricks, Hopkins, Irwin, Keys, Laine, Lindsey, Martin, McCune, McMurry, O'Connor, Oulton, Tuttle, Aldrich, Barton, Bryan, Burt,



Byers, Canfield, Clark, Coggins, Davis, Dixon, Escandon, Fahey, Franck, Ferguson, Gilmore of El Dorado, Giffen, Gurnett, Hamill, Hay, Heald, Higbie, Hill, Howe, Ingham, Kercheval, Klotz, Long, McBride, McCallum, Murphy, Northcutt, Northup, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Timmin, Tully, Venable, Welch, Williams, Wright, and Mr. Speaker—69.

## SECOND BALLOT.

The roll of the Senate was called by the Secretary of the Senate, and each Senator announced the name of his choice as follows:

	Hager .....	Shafter .....	Downey .....	Belcher .....	Haymond .....	Phelps .....	Laine .....
Andross .....		1					
Bartlett .....	1						
Beck .....	1						
Boggs .....							
Bush .....			1				
Crane .....		1					
DeHaven .....				1			
Duffy .....		1					
Dyer .....		1					
Eakin .....	1						
Edgerton .....					1		
Evans .....		1					
Farley .....	1						
Finney .....						1	
Fraser .....		1					
Garratt .....							
Gibbons .....							1
Goodale .....						1	
Graves .....							
Hendricks .....	1						
Hopkins .....		1					
Irwin .....	1						
Kent .....		1					
Keys .....	1						
Lane .....			1				
Lindsey .....	1						
Martin .....							1
McCoy .....							
McCune .....	1						
McKusick .....		1					
McMurry .....	1						
Neff .....		1					
O'Connor .....	1						
Oulton .....		1					
Pendegast .....							





Whole number of votes cast.....	112
Necessary to a choice.....	57
J. S. Hager received.....	44
J. McM. Shafter received.....	21
J. G. Downey received.....	3
I. S. Belcher received.....	5
C. Haymond received.....	6
T. G. Phelps received.....	7
Thos. H. Laine received.....	4
H. H. Haight received.....	11
Cornelius Cole received.....	10
G. C. Perkins received.....	1

No choice.

Mr. Finney moved that the Joint Assembly do now adjourn, on which the ayes and noes were demanded by Messrs. Finney, Terrill, and Freidenrich, and the motion was lost, by the following vote:

**AYES**—Messrs. Beck, Bush, Edgerton, Finney, Gibbons, Goodale, Laine, Lindsey, Martin, Spencer, Turner, Ables, Aldrich, Barton, Bowers, Bryan, Burt, Byrnes, Canfield, Chandler, Clark, Coggins, Cowdery, Cressler, Franck, Freidenrich, Gray, Gurnett, Hammitt, Higbie, Hurlburt, Knox, McCallum, Meyers, Miller, Morgan, Norton, Parker, Patterson, Paulsell, Pishon, Rhea, Rogers, Roush, Russell, Swift, Terrill, Tully, Vandall, Venable, Wickware, and Winchell.

**NOES**—Messrs. Andross, Bartlett, Crane, DeHaven, Duffy, Dyer, Eakin, Evans, Farley, Fraser, Hendricks, Hopkins, Irwin, Kent, Keys, McCune, Neff, O'Connor, Oulton, Tuttle, Bradley, Byers, Carter, Davis, Dixon, Escandon, Fahey, Freeman, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Giffen, Hamill, Hay, Heald, Hill, Ingham, Kercheval, Klotz, Long, McBride, Murphy, Northcutt, Northup, Peek, Pelham, Simpers, Simpson, Snyder, Stowers, Summers, Tinnin, Welch, Williams, Wright, and Mr. Speaker.

Ayes, 52; noes, 56.

Mr. Kercheval moved that the Joint Assembly take a recess until seven o'clock, this evening.

Lost.

The name of Mr. Phelps was withdrawn by Mr. Finney, by consent.



## THIRD BALLOT.

The Secretary called the roll of the Senate, and each Senator present announced his vote, as follows:

	Hager .....	Shafter .....	Downey ....	Belcher .....	Hymond...	Laine.....
Andross .....		1				
Bartlett .....	1					
Beck .....	1					
Boggs .....						
Bush .....			1			
Crane .....		1				
DeHaven.....				1		
Duffy .....		1				
Dyer .....		1				
Eakin .....	1					
Edgerton.....					1	
Evans.....		1				
Farley .....	1					
Finney .....				1		
Fraser .....		1				
Garratt .....						
Gibbons .....						1
Goodale .....						1
Graves .....			1			
Hendricks.....	1					
Hopkins .....		1				
Irwin .....	1					
Kent.....		1				
Keys .....	1					
Laine .....			1			
Lindsey .....			1			
Martin .....						1
McCoy .....						
McCune .....	1					
McKusick.....						
McMurry .....	1					
Neff.....		1				
O'Connor .....	1					
Oulton .....		1				
Pendegast.....						
Perkins.....						
Roach .....						
Spencer .....		1				
Turner .....				1		
Tuttle.....	1					

The Chief Clerk called the roll of the Assembly, and the result was declared as follows:

	Hager .....	Shafter .....	Haight .....	Cole .....	Belcher .....	Downey .....	Haymond .....	Scattering ...
Ables.....			1					
Aldrich .....	1							
Amerman .....		1						
Barton .....							1	
Bowers .....		1						
Bradley.....				1				
Bryan.....							1	
Burt.....				1				
Byers .....				1				
Byrnes .....				1				
Canfield .....								1
Carter .....		1						
Chandler.....				1				
Clark.....								1
Coggins .....							1	
Cowdery.....			1					
Cressler .....								1
Davis.....	1							
Dixon.....	1							
Escandon.....	1							
Fahey.....	1							
Franek.....				1				
Freeman .....				1				
Freidenrich .....			1					
Ferguson.....	1							
Giffen .....	1							
Gilmore, of Calaveras.....		1						
Gilmore, of El Dorado.....	1							
Gray .....					1			
Gurnett.....		1						
Hamill.....	1							
Hammitt.....								1
Hay.....								1
Heald .....	1							
Higbie.....	1							
Hill.....	1							
Howe .....	1							
Hurlburt .....							1	
Ingham .....	1							
Kercheval .....							1	
Klotz.....	1							
Knox .....					1			
Long .....		1						
McBride .....	1							
McCallum.....	1							

Names.	Hager.....	Shafter .....	Haight .....	Cole.....	Belcher.....	Downey.....	Haymond....	Scattering ...
Meyers.....			1					
Miller .....								1
Morgan .....		1						
Murphy .....			1					
Northcutt.....	1							
Northup .....	1							
Norton .....			1					
Parker .....							1	
Patterson .....				1				
Paulsell .....			1					
Peek .....		1						
Pelham .....	1							
Pishon .....			1					
Rea .....				1				
Rogers .....	1							
Roush .....	1							
Russell.....			1					
Simpers .....	1							
Simpson .....								
Snyder .....		1						
Stowers.....	1							
Summers .....	1							
Swift .....	1							
Terrill .....			1					
Tinnin .....	1							
Tully.....	1							
Vandall.....				1				
Venable .....					1			
Welch .....	1							
Wickware .....								1
Williams.....	1							
Winchell.....					1			
Wright.....	1							
Mr. Speaker.....								1

Whole number of votes cast.....	112
Necessary to a choice.....	57
J. S. Hager received.....	42
J. McMillan Shafter received.....	20
J. G. Downey received.....	5
I. S. Belcher received.....	6
Creed Haymond received.....	7
T. H. Laine received.....	5
H. H. Haight received.....	10
C. Cole received.....	10
T. G. Phelps received.....	1
— Lewis received.....	3

Samuel Meyers received.....	1
G. C. Perkins received.....	1
Henry Edgerton received.....	1

No choice.

At one o'clock and fifty-seven minutes P. M., on motion of Mr. Evans, the Joint Assembly adjourned.

#### IN SENATE.

The Senate reassembled at two o'clock P. M.

The President in the chair.

Roll called, and a quorum present.

#### GENERAL FILE RESUMED.

Senate Bill No. 27, resumed.

The bill was ordered engrossed.

On motion of Mr. Edgerton, the rules were suspended, and Assembly Bill No. 47—An Act to repeal section three thousand seven hundred and fifty-seven of the Political Code, was recalled from the Judiciary Committee to place it on its passage.

Rules further suspended, bill considered in Committee of the Whole, read a third time and passed.

On motion of Mr. Duffy, Senate Bill No. 19 was recommitted to the Judiciary Committee.

Senate Bill No. 42, and Assembly Bill No. 4, were returned to the file.

Assembly Bill No. 16—An Act to amend an Act entitled an Act to change the manner of electing Supervisors in the County of Del Norte, and prescribing the method thereof.

Considered in Committee of the Whole, read a third time and passed.

Senate Bill No. 47—An Act to provide for the building of a school house in Modesto School District, County of Stanislaus.

Also, Senate Bill No. 68—An Act to repeal an Act concerning roads and highways in the County of Stanislaus.

Rules suspended, the bills considered engrossed, read a third time and passed.

#### RESOLUTION.

Mr. Oulton offered a joint resolution, as follows:

*Resolved by the Senate, the Assembly concurring, That when the Legislature adjourns to-morrow, it be to meet on Monday, January fifth, eighteen hundred and seventy-four, at eleven o'clock A. M.*

Adopted.

At two o'clock and thirty-seven minutes P. M., on motion of Mr. Oulton, the Senate adjourned.



## IN SENATE.

SENATE CHAMBER,  
Tuesday, December 23d, 1873. }

The Senate met pursuant to adjournment.  
The President in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Leave of absence was granted for one day to Messrs. Roach and McKusick.

## REPORTS.

Reports were made as follows:

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 35—entitled an Act to prohibit the sale of intoxicating liquors within two miles of the University of California—and have presented the same to his Excellency the Governor, this day, at eleven o'clock and seven minutes A. M., for his approval.

McMURRY, Chairman.

By Mr. Finney:

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Joint Resolution No. 4—To promote the interests of agriculture—hereby report the same back to the Senate with a substitute, and recommend the passage of the substitute.

And also, your committee to whom was referred Senate Bill No. 33—An Act entitled "An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State"—report the same to the Senate, and recommend its passage.

FINNEY, Chairman.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, December 22d, 1873. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 4—An Act to amend section four thousand one hundred and nine of the Political Code of the State of California.

Also, Senate Bill No. 10—An Act to provide for the building of and

furnishing a Court House, offices, and jail in Merced County, and for improving the Court House grounds.

Also, Senate Bill No. 31—An Act authorizing the State Treasurer to dispose of the sixty-five thousand dollars United States five-twenty bonds, now held in trust for the University Fund, and to purchase State bonds of the funded debt of eighteen hundred and seventy-three.

NEWTON BOOTH, Governor.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
December 22d, 1873. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twentieth instant, passed Senate Bill No. 35—An Act to prohibit the sale of intoxicating liquors within two miles of the University of California.

Also, substitute for Assembly Concurrent Resolution No. 5—To prevent granting subsidies to the San Joaquin and Kings River Irrigating Company.

Also, that the Assembly refused to concur in Senate Concurrent Resolution relative to adjournment during the holidays.

WEBBER, Assistant Clerk.

ASSEMBLY CHAMBER,  
December 23d, 1873. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-second instant, adopted Senate Concurrent Resolution No. 19—Relative to adjournment over the holidays.

Also, that Messrs. Rogers, McCallum, and Roush have been appointed, on the part of the House, as the Joint Committee, provided for in Senate Joint Resolution No. 3, on Geological Survey.

JOHN WEBBER, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Substitute for Assembly Concurrent Resolution No. 5, above reported, read first and second times and referred to the Committee on Irrigation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Fraser—An Act to amend the Constitution of the State of California.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

## REPORT.

The following report was submitted:

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 34—An Act to amend an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two.

Also, Senate Bill No. 27—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure.

Also, Senate Concurrent Resolution No. 14.

Also, Senate Bill No. 68—An Act to repeal an Act concerning roads and highways in the County of Stanislaus, approved March tenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 47—An Act to provide for the building of a school house in Modesto School District, in the County of Stanislaus, State of California.

NEFF, Chairman.

## GENERAL FILE.

Senate Joint Resolution No. 9—Relative to the establishment of a tri-weekly mail route from the Town of Middletown, in Lake County, via Glenbrook, to Uncle Sam, in same county.

Considered in Committee of the Whole.

In Senate, rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 42—An Act to prevent and punish official misconduct. Returned to file.

Assembly Bill No. 4—An Act to repeal an Act entitled an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of railroads in their respective counties.

On motion of Mr. Evans, the bill was made a special order for January sixth, eighteen hundred and seventy-four, at two o'clock P. M.

On motion of Mr. Bartlett, the rules were suspended and the special order, set for two o'clock P. M. to-day, taken up.

## SPECIAL ORDER.

Senate Joint Resolution No. 11—Motion to reconsider vote on rejection of Joint Resolution No. 11.

Senate Concurrent Resolution No. 15—Relative to appointment of Joint Committee to examine into City Hall and Harbor Commissions.

The Senate refused to reconsider the vote.

## MOTIONS, RESOLUTIONS, AND NOTICES.

The following resolution was taken up:

*Resolved*, That Senator C. W. Bush be and he is hereby added to the Senate Committee on Irrigation.

Adopted.

Mr. Graves verbally reported Assembly Concurrent Resolution No. 6, relative to a mail route from Happy Camp, Del Norte County, to Orleans Bar, in Klamath County, and recommended its adoption.

Rules suspended, and the resolution adopted.

At eleven o'clock and forty-five minutes P. M., on motion of Mr. Evans, the Senate took a recess to twelve o'clock.

#### REASSEMBLED.

At twelve o'clock M., Senate reassembled.

President in the chair.

Roll called, and a quorum present.

The Senate proceeded to meet the Assembly in Joint Convention.

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### JOINT ASSEMBLY.

TUESDAY, December 23d, 1873.

The Joint Assembly met at twelve o'clock meridian, pursuant to adjournment, and as required by the Act of Congress heretofore recorded.

The President of the Senate and Speaker of the Assembly presiding.

The Secretary of the Senate called the roll of the Senate, and the following Senators responded:

Messrs. Andross, Bartlett, Beck, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Spencer, Turner, and Tuttle—35.

The Chief Clerk called the roll of the Assembly, and the following members were present:

Messrs. Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cressler, Davis, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Northeutt, Northup, Norton, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tully, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—71.

Mr. Lindsey moved that the reading of the Journal be dispensed with. So ordered.

Mr. Bush, by consent, withdrew the name of J. G. Downey as a candidate for United States Senator for the short term.



The Secretary called the roll of the Senate, and each Senator present announced his choice for such Senator, as follows:

	Major .....	Shafer .....	Laine .....	Belcher ....	Downey.....
Andross .....		1			
Bartlett .....	1				
Beck .....	1				
Boggs .....					
Bush .....			1		
Crane .....		1			
DeHaven.....				1	
Duffy .....		1			
Dyer .....		1			
Eakin .....	1				
Edgerton.....	1				
Evans.....		1			
Farley .....	1				
Finney .....					
Fraser .....		1			
Garratt .....					
Gibbons .....			1		
Goodale .....			1		
Graves .....			1		
Hendricks .....					
Hopkins .....		1			
Irwin .....	1				
Kent.....		1			
Keys .....	1				
Laine.....					1
Lindsey .....	1				
Martin .....			1		
McCoy .....	1				
McCune.....	1				
McKusick .....					
McMurry .....	1				
Neff .....		1			
O'Connor .....	1				
Oulton .....		1			
Pendegast .....	1				
Perkins.....			1		
Roach .....					
Spencer.....		1			
Turner .....		1			
Tuttle.....	1				

The Chief Clerk of the Assembly called the roll of the Assembly, and the result was declared as follows:

	Hager .....	Shafter .....	Cole .....	Haymond...	Laine .....
Ables .....					
Aldrich .....	1				
Amerman .....		1			
Barton .....				1	
Bowers .....		1			
Bradley .....			1		
Bryan .....					1
Burt .....			1		
Byers .....			1		
Byrnes .....			1		
Canfield .....				1	
Carter .....		1			
Chandler .....			1		
Clark .....	1				
Coggins .....				1	
Cowdery .....					
Cressler .....					1
Davis .....	1				
Dixon .....					
Escandon .....	1				
Fahey .....	1				
Franck .....					1
Freeman .....					
Freidenrich .....					1
Ferguson .....	1				
Giffen .....	1				
Gilmore, of Calaveras .....		1			
Gilmore, of El Dorado .....	1				
Gray .....					1
Gurnett .....		1			
Hamill .....	1				
Hammitt .....					1
Hay .....					1
Heald .....	1				
Higbie .....	1				
Hill .....	1				
Howe .....	1				
Hurlburt .....				1	
Ingham .....	1				
Kercheval .....					1
Klotz .....	1				
Knox .....			1		
Long .....		1			
McBride .....	1				
McCallum .....	1				

	Hager.....	Shafter.....	Cole.....	Haymond ..	Laine.....
Meyers .....					1
Miller.....			1		
Morgan .....		1			
Murphy.....				1	
Northcutt .....	1				
Northup .....					
Norton .....				1	
Parker.....					
Patterson.....			1		
Paulsell .....	1				
Peek .....		1			
Pelham .....	1				
Pishon.....	1				
Rea.....					1
Rogers .....	1				
Roush .....	1				
Russell .....					1
Simpers .....	1				
Simpson .....				1	
Snyder .....		1			
Stowers.....	1				
Summers .....	1				
Swift.....	1				
Terrill.....					1
Tinnin.....					
Thomas .....					
Tully.....	1				
Vandall.....					
Venable.....	1				
Welch.....	1				
Wickware .....					1
Williams .....	1				
Winchell .....					
Wright .....					
Mr. Speaker.....					1

Whole number of votes cast.....	104
Necessary to a choice.....	53
John S. Hager received.....	45
J. McMillan Shafter received.....	21
Thomas H. Laine received.....	20
I. S. Belcher received.....	2
J. G. Downey received.....	1
Cornelius Cole received.....	8
Creed Haymond received.....	7

At twelve o'clock and twenty-seven minutes P. M., Mr. Amerman

moved to adjourn; on which the ayes and noes were demanded by Messrs. Norton, Gilmore of El Dorado, and Williams, and the motion was lost, by the following vote:

**AYES**—Messrs. Beck, Crane, DeHaven, Duffy, Evans, Finney, Fraser, Goodale, Graves, Kent, Keys, Laine, Neff, Pendegast, Spencer, Turner, Aldrich, Amerman, Barton, Bowers, Bradley, Burt, Byers, Byrnes, Carter, Chandler, Clark, Cressler, Fahey, Franck, Freeman, Freidenrich, Gray, Kercheval, Knox, Long, McCallum, Meyers, Miller, Morgan, Norton, Patterson, Rea, Roush, Simpson, Swift, Terrill, Tully, Wickware, and Winchell—50.

**NOES**—Messrs. Andross, Bartlett, Bush, Dyer, Eakin, Edgerton, Farley, Gibbons, Hopkins, Irwin, Lindsey, Martin, McCoy, McCune, McMurry, O'Connor, Oulton, Perkins, Tuttle, Bryan, Canfield, Coggins, Davis, Escandon, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Klotz, McBride, Murphy, Northcutt, Northup, Paulsell, Peek, Pelham, Pishon, Rogers, Russell, Simpers, Snyder, Stowers, Summers, Venable, Welch, Williams, and Mr. Speaker—57.

Mr. Amerman was granted leave of absence.

#### SECOND BALLOT.

The Secretary of the Senate called the roll of the Senate, and each Senator pronounced the name of his choice, as follows:

	Hager.	Shafter.	Belcher.	Laine.	Downey
Andross .....	1				
Bartlett .....	1				
Beck.....	1				
Boggs.....					
Bush.....	1				
Crane .....		1			
DeHaven.....			1		
Duffy .....	1				
Dyer .....		1			
Eakin .....	1				
Edgerton.....	1				
Evans .....		1			
Farley.....	1				
Finney .....					
Fraser.....		1			
Garratt.....					
Gibbons .....				1	
Goodale .....				1	
Graves .....				1	
Hendricks.....					
Hopkins.....		1			
Irwin .....	1				



	Hager.	Shafter.	Belcher	Laine.	Downey
Kent.....	1				
Keys .....	1				
Laine .....					1
Lindsey .....	1				
Martin .....				1	
McCoy .....	1				
McCune .....	1				
McKusick .....					
McMurry .....	1				
Neff .....		1			
O'Connor .....	1				
Oulton .....		1			
Pendegast .....	1				
Perkins.....				1	
Roach .....					
Spencer .....		1			
Turner .....		1			
Tuttle .....	1				

The Chief Clerk called the roll of the Assembly, and the result was declared as follows:

	Hager.....	Shafter.....	Cole .....	Laine.....	Scattering...
Aldrich.....	1				
Barton .....					1
Bowers .....		1			
Bradley .....			1		
Bryan .....				1	
Burt.....			1		
Byers.....			1		
Byrnes.....			1		
Canfield .....	1				
Carter.....		1			
Chandler .....			1		
Clark .....	1				
Coggins .....			1		
Cressler.....				1	
Davis .....	1				
Escandon .....	1				
Fahey .....	1				
Franck .....				1	
Freidenrich .....				1	
Ferguson.....	1				
Giffen .....	1				

	Hager .....	Shafer.....	Cole .....	Laine.....	Scattering ..
Gilmore, of Calaveras.....	1				
Gilmore, of El Dorado.....	1				
Gray .....				1	
Gurnett.....		1			
Hamill.....	1				
Hammitt.....				1	
Hay.....				1	
Heald .....	1				
Higbie.....	1				
Hill .....	1				
Howe .....	1				
Hurlburt .....				1	
Ingham.....	1				
Kercheval.....				1	
Klotz.....	1				
Knox .....					1
Long .....	1				
McBride .....	1				
McCallum .....	1				
Meyers .....	1			1	
Miller.....			1		
Morgan.....		1			
Murphy .....	1				
Norhcutt.....	1				
Norton .....					1
Patterson .....			1		
Paulsell .....	1				
Peek.....	1				
Pelham .....	1				
Pishon .....	1				
Rea.....				1	
Rogers .....	1				
Roush.....	1				
Russell .....				1	
Simpson.....				1	
Snyder.....	1				
Stowers.....	1				
Summers .....	1				
Swift .....	1				
Terrill .....				1	
Tully.....	1				
Venable .....	1				
Welch .....	1				
Wickware .....				1	
Williams .....	1				
Winchell.....					1
Mr. Speaker.....	1				

Whole number of votes cast.....	102
Necessary to a choice .....	52
J. S. Hager received.....	55
J. McM. Shafter received.....	13
I. S. Belcher received.....	3
T. H. Laine received.....	20
J. G. Downey received.....	1
Cornelius Cole received.....	8
Creed Haymond received.....	2

Whereupon, it appearing that John S. Hager having received a majority of all the votes cast by the members elected to both Houses, being present and voting in Joint Assembly, he was declared by the President thereof duly elected a United States Senator in Congress, to fill the vacancy occasioned by the resignation of the Hon. Eugene Casserly, and for the unexpired term of said Eugene Casserly, which term expires on the third day of March, eighteen hundred and seventy-five.

On motion of Mr. Oulton, the proceedings of the Joint Assembly were approved.

On motion of Mr. Evans, at one o'clock and five minutes P. M., the Joint Assembly adjourned.

#### IN SENATE.

At one o'clock and seven minutes P. M. Senate reassembled.

President in the chair.

Roll called, and a quorum present.

At one o'clock and nine minutes P. M., on motion of Mr. Lindsey, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Monday, January 5th, 1874. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called and quorum present.

Prayer by the Chaplain.

Journal of Tuesday, December twenty-third, eighteen hundred and seventy-three, read and approved.

#### LEAVE OF ABSENCE.

Mr. Hopkins was granted leave of absence for four days.

On motion of Mr. Keys, all the Senators not present were granted leave of absence for one day.

#### PETITIONS.

Mr. Bush presented resolutions and a petition from the Los Angeles Teachers' Institute, held at the City of Los Angeles.

Received and referred to the Committee on Education.

Mr. DeHaven presented a petition in reference to joining a portion of Trinity County to Humboldt County.

Received and referred to the delegations for those counties.

The President pro tem. presented a petition from Gerry E. Danford, of Monterey, in reference to a system of "ponage" in Asia, etc.

Laid on the table.

#### REPORTS.

Mr. Neff submitted a report, as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bill:

Senate Bill No. 16—An Act directing the Controller to advertise in a newspaper published in the County of Stanislaus of the sale of certain lands, the title of which is vested in the State of California.

NEFF, Chairman.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
December 23d, 1873. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 40—An Act to amend an Act to reincorporate the City of Petaluma, approved March twenty seventh, eighteen hundred and sixty-eight.

Also, Senate Bill No. 59—An Act supplemental to an Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County, approved March fourth, eighteen hundred and seventy.

JOHN WEBBER, Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to authorize the Governor of the State of California to pay the expenses of and to offer a reward for the arrest of the bandit Vasquez and his associates, for the murder of Davidson Bedford and others, in Monterey, August twenty-sixth, eighteen hundred and seventy-three, and for various robberies since committed in the County of Fresno.

Read first and second times, and on motion of Mr. Finney the rules were suspended to place the bill on its passage.

Considered in Committee of the Whole.

#### IN SENATE.

On motion, the bill was referred to the Committee on Public Expenditures and Accounts.

By Mr. Bush—An Act to amend an Act entitled an Act concerning the compensation of certain county officers in the County of Los



Angeles, approved February twenty-six, eighteen hundred and seventy-two.

Read first and second times and referred to the Committee on Education.

By Mr. Hendricks—An Act to provide for payment of interest on Trustees' orders against certain Swamp Land Districts.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

#### GENERAL FILE.

Senate Bill No. 27—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure.

Read third time and passed.

Senate Bill No. 34—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and for other purposes.

The vote, ordering the bill engrossed, reconsidered.

Referred to the Judiciary Committee, with special instructions to amend.

Reported back with amendments, amendments adopted, rules suspended, considered engrossed, read third time and passed.

Senate Bill No. 42—An Act to prevent and punish official misconduct.

Referred to the Judiciary Committee.

Senate Bill No. 33—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals in this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of Los Angeles.

Considered in Committee of the Whole.

In Senate, ordered engrossed.

Senate Joint Resolution No. 4—To promote the interests of agriculture.

Substitute adopted, ordered engrossed.

At twelve o'clock M., on motion of Mr. Finney, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, January 6th, 1874. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### LEAVE OF ABSENCE.

Mr. Gibbons was granted leave of absence for three days.

## PETITIONS.

Mr. Edgerton presented a petition from George W. Johnson, praying that, by legislative enactment, his name be changed.

Received, and on motion of Mr. Edgerton, laid on the table.

Mr. Roach presented a petition from the Society of California Pioneers of San Francisco, requesting the Legislature to renew the annuity to General John A. Sutter.

Received, and referred to the Committee on Public Expenditures.

Mr. Graves presented a petition of residents of the Town of Santa Barbara, in relation to the establishment of a city government, instead of the present town organization.

Received, and laid on the table.

Mr. Roach presented a petition from the Mechanics' State Council, relative to the contract system adopted by the State in relation to convict labor.

Received, and referred to the Committee on State Prison.

Mr. Laine presented a memorial of citizens and taxpayers of Santa Cruz, praying that the bill repealing the five per cent Act be amended so as to save the contract heretofore made under the provisions of said law, by the County of Santa Cruz, with the Santa Cruz Railroad Company.

Received, and laid on the table.

## REPORTS.

The following reports were submitted:

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 34—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and for other purposes.

Also, Senate Bill No. 33—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of Los Angeles.

Also, Substitute for Senate Joint Resolution No. 4—To promote the interests of agriculture.

TUTTLE, for Committee.

By Mr. Hendricks:

MR. PRESIDENT: The Butte County Delegation, to whom was referred Senate Bill No. 69—An Act to provide for the redemption of the outstanding bonds of Butte County—report the same back, and recommend its passage.

HENDRICKS, for Delegation.

Mr. Laine verbally reported Senate Bill No. 71—An Act to authorize the Governor to offer a reward for the arrest of the bandit Vasquez and his associates—with a substitute, recommending the adoption of the substitute.

Subsequently, on motion of Mr. Evans, the bill was taken up under a

suspension of the rules, substitute adopted, considered engrossed, read third time and passed.

By Mr. Duffy:

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 58—An Act granting the right of way to the Yosemite Turnpike Company to construct a toll road over the Yosemite Grant—have had the same under consideration, and now beg leave to report the bill back, and respectfully recommend its passage.

JAMES A. DUFFY,  
WILLIAM A. EAKIN,  
H. MARTIN.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 6th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 35—An Act to prohibit the sale of intoxicating liquors within two miles of the University of California.

NEWTON BOOTH,  
Governor.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
January 6th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on December twenty-third, eighteen hundred and seventy-three, adopted Assembly Concurrent Resolution No. 11—To provide for printing two hundred and forty copies of the Report of the Yosemite Valley Commissioners.

Also, on January fifth, passed Assembly Bill No. 44—An Act to repeal an Act entitled an Act to protect agriculture, and to prevent the trespass of animals upon private property, in the County of Los Angeles and the County of San Diego, and part of Monterey County, approved February fourteenth, eighteen hundred and seventy-two, and to make the same applicable to the County of San Bernardino, so far as the same relates to San Bernardino County.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 11, above reported, was concurred in.

Assembly Bill No. 44, above reported, read first and second times and laid on the table.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to define the boundary line between the Counties of Tulare and Fresno.

Read first and second times and referred to Committee on Counties and County Boundaries.

By Mr. Pendegast—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Napa State Asylum for the Insane.

Read first and second times, rules suspended, and by unanimous consent, considered engrossed, read third time and passed.

By Mr. Edgerton—An Act for the relief of A. A. Bennett, architect for the State Armory and Governor's Mansion.

Read first and second times, and referred to the Committee on Claims.

Also, an Act to change the name of George W. Johnson to George Washington Julian.

Read first and second times, and, with the petition heretofore presented on the same subject, referred to the Judiciary Committee.

Also, an Act to repeal in part an Act entitled an Act to release the claim of the State of California to certain lands in township eleven (11), range four (4) east, Mount Diablo base and meridian, approved April first, eighteen hundred and seventy-two.

Read first and second times, and, with a communication accompanying the bill, referred to the Committee on Public Lands.

By Mr. Perkins—An Act to add a new section to the Political Code.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Garratt—An Act to provide for an Inspector of Steam Boilers and Steam Tanks in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Turner—An Act to amend section three thousand nine hundred and twenty-one of the Political Code.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

#### REPORT.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 40—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

Also, Senate Bill No. 59—An Act supplemental to an Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County, approved March fourth, eighteen hundred and seventy.



And have presented the same to his Excellency the Governor, this day at twelve o'clock and twenty minutes P. M., for his approval.

McMURRY, Chairman.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Bartlett offered a joint resolution relative to an appropriation by Congress for the removal of the wreck of the ship *Patrician* and the rock known as the Noonday Rock, near the entrance to the harbor of San Francisco.

Read first and second times, rules suspended, considered in Committee of the Whole by unanimous consent, considered engrossed, read third time and passed.

Mr. Evans offered a joint resolution asking the confirmation by the Senate of the United States of General George Crook to the position of Brigadier General.

Read first and second times, rules suspended, and the resolution placed on its final passage. Read third time. On its passage the ayes and noes were demanded by Messrs. Evans, Lindsey, and Duffy, and it was adopted by the following vote:

**AYES**—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Graves, Hendricks, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, and Turner—35.

**NOES**—Mr. Goodale—1.

Mr. Irwin submitted a proposed amendment to section thirteen, Article XI, of the Constitution of this State.

Read first and second times, and referred to the Committee on Finance.

#### RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Laine:

*Resolved by the Senate, the Assembly concurring,* That four thousand copies of the Governor's message be and the same is hereby ordered printed, in English, for the use of the Legislature.

Adopted.

By Mr. Pendegast:

*Resolved,* That Senate Rule No. 49 be amended so as to read as follows:

Rule 49. Two hundred and forty copies of all bills of a general character shall be printed. No local or special bills, or other matter, shall be printed without first being specially ordered by the Senate; and the Sergeant-at-Arms shall be required to certify to the reception, by the Senate, of all such printed matter, and the quantity, before payment shall be made or bills audited therefor.

Laid over one day. Subsequently taken up, rules suspended, and, by unanimous consent, adopted.

## GENERAL FILE.

Senate Bill No. 16—An Act directing the Controller to advertise in a newspaper published in the County of Stanislaus, of the sale of certain lands, the title of which is vested in the State of California.

Read a third time and passed.

## SPECIAL ORDER.

The special order, set for two o'clock P. M., was taken up.

Assembly Bill No. 4—An Act to repeal an Act entitled an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of railroads in their respective counties.

On motion of Mr. Laine, the special order was discharged, and the bill ordered to the top of the General File for Thursday, the eighth instant.

At twelve o'clock M., on motion of Mr. Bush, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, January 7th, 1874. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Mr. Duffy was granted indefinite leave of absence.

## PETITION.

Mr. Edgerton presented a remonstrance of certain citizens of Sacramento County against the passage of Senate Bill No. 21—An Act entitled an Act to repeal certain Acts concerning roads and highways in the County of Sacramento, and to provide for Commissioners of Highways in said county.

Received, and laid on the table.

## REPORTS.

Reports were made as follows:

The President presented the second biennial report of the San Francisco Park Commissioners.

Referred to the San Francisco delegation.

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 71—An Act to authorize the Governor of the State of California to pay the expenses of and to offer a reward for the arrest of the bandit Vasquez, and his associates, for the murder of Davidson Redford, and others, in Monterey County, August twenty-sixth, eighteen hundred and seventy-three, and for various robberies since committed in the County of Fresno.

Also, Senate Joint Resolution No. 20—Preamble and resolutions relative to an appropriation by Congress for the removal of the wreck of the ship "Patrician," and the rock known as the "Noonday Rock," near the entrance to the harbor of San Francisco.

NEFF, Chairman.

By Mr. Pendegast:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred the following bills, respectfully report them back, with the action taken upon them:

Senate Bill No. 6—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—is reported back with an amendment. We respectfully recommend the adoption of the amendment and the passage of the bill.

Also, Senate Bill No. 23—An Act to amend an Act entitled an Act to legalize, ratify, and confirm deeds of conveyance and grants of lands made by the municipal authorities of the City of San Diego, approved March ninth, eighteen hundred and seventy-two—is reported back with a substitute. We respectfully recommend the adoption of the substitute.

Also, Senate Bill No. 38—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—is hereby reported back with a substitute. We respectfully recommend the adoption of the substitute.

Also, Senate Bill No. 52—An Act to amend the Civil Code—is reported back, with the request that it be printed.

Also, Senate Bill No. 55—An Act to repeal section one thousand nine hundred and twenty-six of the Political Code of the State of California, concerning jury duty and the payment of poll taxes in certain cases—is reported back, with the recommendation that it pass.

Also, Senate Bill No. 57—An Act to amend an Act entitled an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-eight—is reported back, with the request that it be printed.

Also, Senate Bill No. 61—An Act to amend section two thousand nine hundred and fifty-eight of the Political Code—is reported back, with the recommendation that it pass.

Also, Senate Bill No. 62—An Act to pay the claim of George Seckel, late Clerk of the Supreme Court. This is a bill to provide for the payment to George Seckel, late Clerk of the Supreme Court, of the sum therein named, for services rendered while in office in the matter of filing the various litigant papers of the State while the laws establishing such papers were in force. There is no question but that Mr. Seckel filed

the papers, or that at the rate of fifty cents (50) for each filing his claim is correct, as to amount. Nor is there any question as to the amount to which he was entitled under the general law for filing papers, to wit: fifty cents each; but the committee are satisfied, upon a full examination, that the "papers" referred to in the statutes which were to be filed, and for which he was to be paid, were intended to be "papers" in the various cases presented to the Supreme Court for decision, and that the services to which the bill relates were not contemplated by said statute. We therefore respectfully recommend that the bill do not pass.

Also, Senate Bill No. 63—An Act to fix the terms of the County Court of Tulare—is reported back, with the recommendation that it pass.

Also, Senate Bill No. 64—An Act to empower Ferdinand Demauchais, a minor, to execute a conveyance of real estate—is reported, with the recommendation that it do not pass. Our objection to this bill is, that it is an extreme case of special legislation. We do not question the merits or the urgency of the particular case, and would be glad to report in favor of the relief sought, if we could do so without setting a bad precedent and departing from the salutary rule that no legislation should be had for special purposes when the same results could be attained through general laws already in existence, although the method may be more tedious and expensive.

Also, Senate Bill No. 67—An Act to amend sections seventeen, twelve hundred and five, and fourteen hundred and forty-six of the Penal Code—is reported back, with a recommendation that it pass.

PENDEGAST, Chairman.

On motion of Mr. Pendegast, the bills reported with a request that they be printed, were laid on the table until printed.

By Mr. Laine:

MR. PRESIDENT: The undersigned select committee, to whom was referred Senate Bill No. 46—entitled "An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make general indexes of the records, files, and minutes of the Supreme Court of this State"—have had the same under consideration, and herewith report the same back with a substitute, and recommend the passage of the substitute.

LAINE, Chairman.  
EDGERTON.  
PENDEGAST.

By Mr. Edgerton:

MR. PRESIDENT: The Sacramento delegation, to whom was referred Senate Bill No. 21—entitled "An Act to repeal certain Acts concerning roads and highways in the County of Sacramento, and to provide for a Commissioner of Highways in said county"—have had the same under consideration, and herewith report the same back to the Senate with a recommendation that it do not pass.

EDGERTON, for Delegation.



## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to incorporate the City of Visalia, and to provide for public schools therein.

Read first and second times, and referred to the Committee on Corporations.

By Mr. McCoy—An Act to legalize certain bonds of the City of San Diego, and to provide for the payment of the interest thereon and the redemption thereof.

By Mr. Fraser—An Act to amend section seven hundred and ninety-nine of the Political Code, in regard to bonds of Notaries Public.

By Mr. McMurry—An Act to add to the Code of Civil Procedure a section to be numbered two thousand and fifty-five, providing an additional test of the competency of witnesses.

Also, an Act to amend section two hundred and nineteen of the Code of Civil Procedure.

The above bills were read first and second times, and referred to the Judiciary Committee.

By Mr. Edgerton—An Act to provide for the erection and maintenance of a Branch State Prison near the Town of Folsom.

Read first and second times, and referred to the State Prison Committee and ordered printed.

By Mr. Irwin—An Act to amend an Act entitled an Act relating to the Yreka School District, in Siskiyou County, approved March eighteenth, eighteen hundred and seventy.

Read first and second times, rules suspended, considered in Committee of the Whole; in Senate, considered engrossed and by unanimous consent read third time and passed.

By Mr. Laine—An Act to amend certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, concerning the publication of the Reports of the Supreme Court of the State of California.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act to impose a tax on local and special legislation in the State of California.

Also, an Act to authorize and provide for the publication of the Journals of the Senate and Assembly of the State of California.

Bills read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Graves—An Act to provide for the payment of outstanding indebtedness of Olmsted School District, in San Luis Obispo County.

Read first and second times, and referred to the Committee on Education.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were offered as follows:

By Mr. Lindsey:

*Resolved*, That a committee of three be appointed by the President of the Senate, whose duty it shall be to ascertain what number of rooms have been taken possession of by various committees, in this building,

during the recess of the Legislature, and are now occupied, to the exclusion of the committees of this Senate, and whether a sufficient number of rooms cannot be furnished in the building, for the use of all committees of the Senate, and report their proceedings at the earliest day practicable.

Adopted.

By Mr. Tuttle:

*Resolved*, That the Pages and Paperfolders be required to be at their post of duty one hour previous to the convening of the Senate, every day, and remain on duty until four o'clock P. M., or one hour after adjournment; and any Page absenting himself, except for cause, or if found frequenting drinking or gaming saloons, his place shall be declared vacant.

Adopted.

By Mr. Edgerton:

*Resolved by the Senate, the Assembly concurring*, That the two Houses meet in Joint Convention, in the Assembly Chamber, at twelve o'clock M., on Friday, January ninth, for the purpose of electing five Trustees of the State Library, to fill the vacancies which will occur by the expiration of the terms of John W. Armstrong, E. B. Mott, Jr., J. C. Goods, H. Nichols, and John L. Love.

Adopted.

By Mr. Eakin:

*Resolved*, That the Sergeant-at-Arms be directed to furnish each Senator, the Lieutenant Governor, the Secretary of the Senate, and the Sergeant-at-Arms, with twenty dollars worth of postage stamps, or express envelopes, to be paid for in currency out of the Contingent Fund of the Senate.

Mr. McKusick moved that the resolution be referred to the Committee on Contingent Expenses.

Lost.

On the adoption of the resolution the ayes and noes were demanded by Messrs. McKusick, Fraser, and O'Connor, and it was lost, by the following vote:

AYES—Messrs. Andross, Beck, Boggs, Crane, Dyer, Eakin, Finney, Garratt, Irwin, Keys, Martin, McCoy, McMurry, Neff, Pendegast, Roach, and Tuttle—17.

NOES—Messrs. Bartlett, Bush, DeHaven, Edgerton, Evans, Fraser, Gibbons, Goodale, Graves, Hendricks, Laine, Lindsey, McCune, McKusick, O'Connor, Perkins, Spencer, and Turner—18.

By Mr. Roach:

A concurrent resolution on Chinese immigration under the Burlingame treaty.

Read first and second times, referred to the Committee on Federal Relations, and ordered printed.

#### GENERAL FILE.

Senate Joint Resolution No. 4—To promote the interests of agriculture.

On motion of Mr. Irwin, recommitted to the Committee on Agriculture, with special instructions to amend.

Senate Bill No. 33—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals in this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of Los Angeles.

Read third time and passed.

Senate Bill No. 58—An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant.

Referred to the Judiciary Committee.

Senate Bill No. 69—An Act to provide for the redemption of outstanding bonds of Butte County.

Considered in Committee of the Whole. Ordered engrossed.

Mr. Finney submitted a report, as follows:

MR. PRESIDENT: Your Committee on Agriculture, to whom was recommended Senate Joint Resolution No. 4, with special instructions to amend, report the same back to the Senate amended according to instructions, and recommend the passage of the bill as amended.

FINNEY, Chairman.

The resolution above reported was taken up under a suspension of the rules, amendment adopted, considered engrossed, read third time and passed.

At twelve o'clock and twelve minutes P. M., on motion of Mr. Fraser, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER,  
Thursday, January 8th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

His Excellency Governor Bradley, of Nevada, being present in the Senate Chamber, was invited to a seat by the side of the President of the Senate, and Mr. Perkins was appointed to conduct him thereto.

The President, in accordance to a resolution adopted yesterday in relation to committee rooms, appointed Messrs. Lindsey, Tuttle, and Gibbons the committee provided for under such resolution.

#### REPORTS.

Reports were submitted as follows:

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Concurrent Resolution No. 22—Approving the appointment of General George Crook as Brigadier General.

Also, Senate Bill No. 75—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Napa State Asylum for the Insane.

NEFF, Chairman.

By Mr. Martin:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Senate Bill No. 79—An Act to add a new section to the Political Code—respectfully report the same back, and recommend its passage.

W. MARTIN,  
WILLIAM A. EAKIN,  
Of the Committee.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 7th, 1874. . }

*To the Senate of the State of California:*

I herewith transmit to your honorable body the second biennial report of the San Francisco Park Commissioners. As there is but one copy of the report, I respectfully ask that the Assembly be informed of its receipt.

NEWTON BOOTH, Governor.

The report above transmitted was referred to the San Francisco delegation.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on December twentieth, passed Assembly Concurrent Resolution No. 1—To Representatives in Congress, to procure repeal of import duty on burlaps, and grain and wool sacks.



Also, on January sixth, passed Senate Concurrent Resolution No. 21—To provide for printing four thousand copies of the Governor's Message.

Also, on this day, passed Senate Joint Resolution No. 12—Relative to asking Congress for an appropriation to remove obstructions from navigable rivers of this State.

Also, Senate Bill No. 47—An Act to provide for the building of a school house in Modesto School District, County of Stanislaus.

Also, Senate Bill No. 68—An Act to repeal an Act concerning roads and highways in the County of Stanislaus.

JOHN WEBBER,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 1, above reported, was read first and second times, and referred to Committee on Federal Relations.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Laine—An Act to amend an Act entitled "An Act supplementary to an Act entitled an Act to provide for the incorporation of colleges," approved April twentieth, eighteen hundred and fifty, approved January eighth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hendricks—An Act to amend section two hundred and eighty-eight of the Civil Code, concerning the existence of corporations.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Lindsey—An Act to amend part four of section four thousand one hundred and twenty-two of an Act entitled "An Act to establish a Political Code," approved March twentieth, eighteen hundred and seventy-two, in reference to County Treasurers' bonds.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Reach—An Act to protect bona fide settlers upon public lands.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Evans—An Act to amend an Act entitled "An Act to reincorporate the City of Stockton," approved March twenty-seventh, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Corporations.

Also, an Act to amend an Act entitled "An Act to empower the City of Stockton to fund its school debt, and for school purposes," approved March twenty-sixth, eighteen hundred and seventy-two.

Read first and second times, and ordered on the General File.

By Mr. Perreault—An Act to provide for the payment of certain bonds of the County of Lake.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Laine—An Act supplementary to an Act entitled "An Act to provide for furnishing the State Normal School building, and paying the indebtedness in the construction thereof," approved March twenty-ninth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Public Expenditures.

MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Tuttle offered a resolution authorizing the Secretary to appoint an Assistant Clerk.

Referred to the Committee on Contingent Expenses.

By Mr. Eakin:

*Resolved*, That the Sergeant-at-Arms is hereby authorized to furnish to the President of the Senate, each Senator, the Secretary, and Sergeant-at-Arms of the Senate, with sixteen dollars worth of postage stamps or express envelopes, the same to be paid out of the appropriation for the contingent expenses of the Senate.

On which the ayes and noes were demanded by Messrs. Laine, Lindsey, and Bush, and it was adopted by the following vote:

**AYES**—Messrs. Andross, Beck, Boggs, Crane, Dyer, Eakin, Farley, Fraser, Garratt, Irwin, Kent, Keys, Martin, McCoy, McKusick, McMurry, Neff, Pendegast, Roach, Spencer, and Tuttle—21.

**NOES**—Messrs. Bartlett, Bush, De Haven, Edgerton, Finney, Gibbons, Goodale, Hendricks, Laine, Lindsey, McCune, O'Connor, Perkins, and Turner—14.

ANNIVERSARY OF THE BATTLE OF NEW ORLEANS.

Mr Roach made a motion as follows:

This being the anniversary of one of the most glorious events in American history, to wit: the anniversary of the battle of New Orleans, I move that, in respect to the memory of the day, and the hero who participated in it, that when the Senate adjourn this day, it adjourn in honor of the day.

Agreed to unanimously.

GENERAL FILE.

Assembly Bill No. 4—An Act to repeal an Act entitled an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of railroads in their respective counties.

Ordered to top of the General File for to-morrow.

Senate Bill No. 46—An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make general indices of the records, files, and minutes of the Supreme Court.

Substitute adopted; ordered engrossed.

Senate Bill No. 4—An Act to amend an Act entitled an Act to establish a Political Code.

Considered in Committee of the Whole.

In Senate, amendments adopted; ordered engrossed.

Senate Bill No. 21—An Act to repeal certain Acts concerning roads and highways in the County of Sacramento, and to provide for a Commissioner of Highways in said county.

Indefinitely postponed.

Senate Bill No. 23—An Act to amend an Act entitled an Act to legal-

ize, ratify, and confirm deeds of conveyance and grants of land made by the municipal authorities of the City of San Diego.

Substitute adopted; ordered engrossed.

Senate Bill No. 38—An Act to amend an Act entitled an Act to establish a Political Code.

Substitute adopted; ordered engrossed.

Senate Bill No. 55—An Act to repeal section one thousand nine hundred and thirty-six of the Political Code of the State of California.

Mr. Evans moved to refer the bill to the Committee on Military Affairs; on which the ayes and noes were demanded by Messrs. Evans, Bush, and McCoy, and it was so ordered by the following vote:

AYES—Messrs. Andross, Beck, Boggs, Bush, Crane, Dyer, Eakin, Edgerton, Farley, Fraser, Garratt, Gibbons, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, and Turner—29.

NOES—Messrs. Bartlett, DeHaven, Finney, Goodale, and Tuttle—5.

Senate Bill No. 64—An Act to empower Ferdinand Demarchais, a minor, to execute a conveyance of real estate.

Recommendation of the committee that the bill do not pass, adopted.

Senate Bill No. 63—An Act to fix the terms of the County Court of the County of Tulare.

Rules suspended, considered engrossed, read third time and passed.

Senate Bill No. 67—An Act to amend sections seventeen, one thousand two hundred and five, and one thousand four hundred and forty-six of the Penal Code.

Ordered engrossed.

Senate Bill No. 61—An Act to amend section two thousand nine hundred and fifty-eight of the Political Code.

Ordered engrossed.

Senate Bill No. 62—An Act to pay the claims of George Seckel, late Clerk of the Supreme Court.

Bill, with accompanying papers, was withdrawn by its author, by unanimous consent.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Neff, the Senate adjourned.

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## IN SENATE.

SENATE CHAMBER,  
Friday, January 9th, 1874. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Mr. Garratt was granted leave of absence for two days.

## REPORTS.

Reports were submitted as follows:

By Mr. Neff:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 69—An Act to provide for the redemption of the outstanding bonds of Butte County.

Also, Senate Bill No. 88—An Act to amend an Act entitled an Act relating to the Yreka School District, in Siskiyou County.

Also, Substitute for Senate Joint Resolution No. 4—To promote the interests of agriculture.

Also, Senate Bill No. 6—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Senate Bill No. 46—An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make general indices of the records, files, and minutes of the Supreme Court of this State.

NEFF, Chairman.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 47—An Act to provide for the building of a school house in Modesto School District, in the County of Stanislaus, State of California.

Also, Senate Bill No. 68—An Act to repeal an Act concerning roads and highways in the County of Stanislaus, approved March tenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 3—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of San Mateo County to settle certain claims against said county, approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No. 7—An Act defining the legal distances from the county seat of Ventura County to Sacramento, Stockton, and San Quentin.

Also, Senate Bill No. 11—An Act to repeal an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March thirteenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 12—An Act to provide for the appointment of additional Notaries Public in the Counties of Fresno, Tulare, and Humboldt.

Also, Senate Bill No. 28—An Act entitled an Act to repeal the special road laws of San Mateo County.

Also, Senate Bill No. 48—An Act to authorize the transfer to the General Fund of the money in the Soldiers' Bounty Fund, the Soldiers' Relief Fund, the Line Officers' Fund, and the Hospital Fund.

Also, Senate Joint Resolution No. 12—Relative to asking Congress for an appropriation to remove obstructions from navigable rivers of this State.

And have presented the same to his Excellency the Governor, this day, at eleven o'clock and five minutes A. M., for his approval.

McMURRY, Chairman.



By Mr. Farley:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 96—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two—have had the same under consideration, and report it back and recommend the passage thereof.

FARLEY, Chairman.

Mr. Duffy, for the delegation, verbally reported Senate Bill No. 37—An Act to amend an Act entitled an Act to establish and maintain a dispensary in the City of Sacramento, approved March twenty-third, eighteen hundred and seventy-two—and recommended its passage.

By Mr. Roach:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred the confirmation of Charles Nelson as Pilot Commissioner, have examined the objections made thereto, and find that no legal disqualification exists against his confirmation.

They have also examined Assembly Concurrent Resolution No. 2—Relative to a breakwater at Crescent City, Del Norte County, State of California—and recommend its passage.

ROACH, Chairman.

By Mr. Laine:

MR. PRESIDENT: Your Committee on Public Expenditures, to whom was referred Senate Bill No. 32—An Act entitled an Act to amend section two hundred and sixty-eight of the Political Code—now report the same back, and recommend its passage.

LAINE, Chairman.

Mr. Gibbons, for the Committee on Education, verbally reported Senate Bill No. 72—An Act to amend an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two—with an amendment, recommending the passage of the bill as amended.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bill: Substitute for Senate Bill No. 38—An Act to provide for the appointment of additional Notaries Public in some of the counties of the State.

TUTTLE,  
For the Committee.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January seventh, passed Assembly Concurrent Resolution No. 7—Relative to granting pensions to the soldiers of the Mexi-

can War of eighteen hundred and forty-six, eighteen hundred and forty-seven, and eighteen hundred and forty-eight.

Also, Senate Joint Resolution No. 24—Relative to a Joint Assembly to elect Trustees for the State Library.

Also, on January eighth, passed Senate Bill No. 3—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of San Mateo County to settle certain claims against said county, approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No. 7—An Act defining the legal distances from the county seat of Ventura County to Sacramento, Stockton, and San Quentin.

Also, Senate Bill No. 17—An Act to repeal an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March thirteenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 12—An Act to provide for the appointment of additional Notaries Public in the Counties of Fresno, Tulare, and Humboldt.

Also, Senate Joint Resolution No. 13—To restore lands granted to the Folsom and Placerville Railroad and Telegraph Company, to the public domain.

Also, Senate Bill No. 28—An Act to repeal the special road laws of San Mateo County.

Also, Senate Bill No. 48—An Act to authorize the transfer to the General Fund of the money in the Soldiers' Bounty Fund, the Soldiers' Relief Fund, the Line Officers' Fund, and the Hospital Fund.

Also, Senate Bill No. 71—An Act to authorize the Governor of the State of California to pay the expenses of and to offer a reward for the arrest of the bandit Vasquez and his associates, for the murder of Davidson Redford, and others, in Monterey County, August twenty-sixth, eighteen hundred and seventy-three, and for various robberies since committed in the County of Fresno.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 7, above reported, read first and second times, and referred to the Committee on Federal Relations.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Fraser—An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the fees and salaries of officers and defining their duties, in the County of El Dorado, and other matters relating thereto, approved March fifth, eighteen hundred and seventy, approved March twenty-seventh, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on State and County Revenue.

By Mr. Perkins—An Act to authorize the Town of Chico to acquire certain real estate.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Tuttle—An Act to change the name of Charlotte H. Abbe, a minor, to Charlotte H. Galushee.

Read first and second times, and referred to the Committee on Public Morals, with the petition accompanying the bill.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Duffy offered a resolution providing that Senator Kent be added to the Committee on State Prison.

Laid over one day under the rule.

By Mr. Tuttle:

*Resolved*, That the Committee on Public Buildings be requested to visit the State University, at Berkeley, and investigate the manner in which the money appropriated at the last session of the Legislature for building purposes has been expended, and obtain such other information as may be useful to this Legislature.

Adopted.

By Mr. Hendricks:

*Resolved*, That the Sergeant-at-Arms be directed to furnish the desk of each newspaper correspondent, on this floor, for this session, with a copy of the Codes.

Adopted.

#### GENERAL FILE.

Assembly Bill No. 4—An Act to repeal an Act entitled an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of railroads in their respective counties.

Substitute recommended by the majority of the committee adopted.

Mr. Graves moved to amend by adopting the amendment recommended by the minority of the committee.

Pending discussion of the bill, on motion, it was ordered to the top of the General File.

#### INTRODUCTION OF BILLS, BY LEAVE.

By Mr. Edgerton—An Act for the examination of the claims of G. D. Smith against the State of California.

Read first and second times, and referred to the Committee on Claims.

By Mr. Irwin—An Act for the relief of John Timmins.

Read first and second times, and referred to the Committee on Claims.

By Mr. Kent—An Act to add to the end of Chapter First, Title One, of Part Third, of the Penal Code, two sections, to be numbered fifteen hundred and eighty-seven and fifteen hundred and eighty-eight, providing temporary support for discharged convicts.

Read first and second times, and referred to the State Prison Committee.

The hour of twelve o'clock M. having arrived, the Senate proceeded to meet the Assembly in Joint Convention.

## IN JOINT CONVENTION.

FRIDAY, January 9th, 1874.

The following are the proceedings in Joint Convention, for the purpose of electing five Trustees of the State Library, as provided for in section two thousand two hundred and ninety-two of the Political Code, and to fill the vacancies which will occur by the expiration of the term of office of J. W. Armstrong, E. B. Mott, Jr., J. C. Goods, and John L. Love, who constitute the present Board of Trustees.

The hour of twelve o'clock having arrived, the Joint Convention was called to order by the President of the Senate, in conjunction with the Speaker of the Assembly.

The roll of the Senate and Assembly was then called by the Secretary of the Senate and Chief Clerk of the Assembly, and the following Senators and Assemblymen responded:

Messrs. Andross, Bartlett, Beek, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle.

Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker.

The President of the Senate directed Senate Concurrent Resolution No. 24 to be read, as follows:

*Resolved by the Senate, the Assembly concurring,* That the two Houses meet in Joint Convention in the Assembly Chamber at twelve o'clock m., on Friday, January ninth, for the purpose of electing five Trustees of the State Library, to fill vacancies which will occur by the expiration of the term of John W. Armstrong, E. B. Mott, Jr., J. C. Goods, H. L. Nichols, and John L. Love.

Nominations were now declared to be in order.

Mr. Farley nominated candidates for Trustees, as follows:

J. W. Armstrong, E. B. Mott, Jr., J. J. Green, F. W. Hatch, and Jo Hamilton.

Mr. Finney nominated John L. Love, Wm. R. Cluness, W. C. Belcher, Creed Haymond, and M. F. Johnson.



Mr. Tully nominated James L. English, John K. Alexander, Thomas J. Clunie, S. C. Denson, and Ham C. Harrison.

Mr. Snyder presented a communication, as follows:

SACRAMENTO, January 9, 1874.

*To the Joint Convention for the election of Trustees of the State Library:*

GENTLEMEN: We respectfully withdraw our names, as candidates before your honorable body, for the position of Trustees of the State Library.

THOS. J. CLUNIE.  
S. C. DENSON.  
JNO. K. ALEXANDER.  
JAS. L. ENGLISH.  
HAM C. HARRISON.

The Secretary called the roll of the Senate, and each Senator present announced his vote, as follows:

	J. W. Armstrong.	E. B. Mott, Jr....	J. J. Green.....	F. W. Hatch.....	Jo Hamilton.....	J. L. Love.....	W. R. Cluness....	W. C. Belcher....	Creed Haymond...	M. F. Johnson....
Andross .....	1	1	1	1	1	.....	.....	.....	.....	.....
Bartlett.....	1	1	1	.....	1	.....	.....	.....	1	.....
Beck.....	1	1	1	1	1	1	.....	.....	.....	.....
Boggs.....	1	1	1	1	1	.....	.....	.....	.....	.....
Bush.....	1	1	1	1	1	.....	.....	.....	.....	.....
Crane.....	1	1	1	.....	.....	1	.....	1	.....	.....
DeHaven .....	.....	.....	.....	.....	.....	1	.....	1	1	1
Duffy .....	1	1	1	1	.....	.....	1	.....	.....	.....
Dyer.....	1	.....	1	1	1	.....	1	.....	.....	.....
Eakin .....	1	1	1	1	1	.....	.....	.....	.....	.....
Edgerton .....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....
Evans .....	1	1	1	1	.....	.....	1	.....	.....	.....
Farley.....	1	1	1	1	1	.....	.....	.....	.....	.....
Finney.....	.....	.....	.....	.....	.....	1	1	1	1	1
Fraser .....	1	1	1	1	1	.....	.....	.....	.....	.....
Garratt .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Gibbons.....	1	.....	1	1	.....	.....	.....	1	1	.....
Goodale.....	.....	1	.....	.....	.....	1	1	.....	1	1
Graves.....	.....	.....	.....	.....	.....	1	1	1	1	1
Hendricks .....	1	1	1	1	1	.....	.....	.....	.....	.....
Hopkins.....	1	1	1	1	1	.....	.....	.....	.....	.....
Irwin.....	1	1	1	1	1	.....	.....	.....	.....	.....
Kent.....	.....	1	1	.....	.....	1	.....	1	1	.....
Ables.....	.....	1	1	.....	.....	.....	1	1	1	.....
Aldrich .....	.....	1	.....	.....	.....	1	1	1	1	.....

	J. W. Armstrong.	E. B. Mott, Jr.....	J. J. Green.....	F. W. Hatch.....	Jo Hamilton.....	J. L. Love.....	W. R. Cluness....	W. C. Belcher....	Creed Haymond...	M. F. Johnson....
Keys .....	1	1	1	1	1					
Laine.....	1	1	1	1	1					
Lindsey .....	1	1	1			1			1	
Martin.....	1	1	1	1	1					
McCoy.....	1	1	1	1	1					
McCune.....	1	1	1	1	1					
McKusick .....		1	1	1	1	1				
McMurry.....	1	1	1	1	1					
Neff.....		1	1		1		1	1		
O'Connor.....	1	1	1	1	1					
Oulton.....										
Pendegast.....	1	1	1	1	1					
Perkins .....	1	1				1		1	1	
Roach .....	1	1	1	1	1					
Spencer.....	1	1	1	1				1		
Turner .....		1	1			1	1	1		1
Tuttle.....	1	1	1	1	1					

The Chief Clerk called the roll of the Assembly, and the result was declared as follows:

	Armstrong ..	Mott .....	Green .....	Hatch .....	Hamilton....	Love .....	Cluness .....	Belcher.....	Haymond.....	Johnson .....
Amerman .....	1	1	1	1	1					
Barton.....		1		1	1					
Bowers .....	1	1	1	1	1					
Bradley.....		1	1			1		1	1	
Bryan.....		1	1		1			1	1	1
Burt.....		1			1		1	1	1	
Byers .....						1	1	1	1	1
Byrnes .....	1		1		1	1		1	1	
Canfield.....						1	1	1	1	1
Carter .....	1	1	1		1			1		
Chandler .....			1	1		1		1	1	
Clark.....	1	1	1	1	1					
Coggins .....	1	1	1	1	1					
Cowdery.....	1	1		1	1				1	
Cressler.....		1	1	1	1				1	
Davis.....	1	1	1	1	1					
Dixon.....	1	1	1	1	1					

	Armstrong	Mott	Green	Hatch	Hamilton	Loye	Cluness	Belcher	Haymond	Johnson
Escandon	1	1	1	1	1					
Fabey	1	1	1	1	1					
Franck		1	1	1		1		1	1	
Freeman	1	1	1	1					1	
Freidenrich	1	1		1	1	1				
Ferguson	1	1	1	1	1					
Giffen	1	1	1	1	1					
Gilmore, of Calaveras	1		1	1	1		1			
Gilmore, of El Dorado	1	1	1		1				1	
Gray			1			1	1	1	1	
Gurnett			1	1		1		1	1	
Hamill	1		1		1	1			1	
Hammitt						1	1	1	1	1
Hay	1	1			1	1		1		
Heald						1	1	1	1	1
Higbie	1	1	1	1	1					
Hill	1		1	1	1				1	
Howe	1		1	1	1		1			
Hurlburt			1			1	1	1	1	
Ingham	1	1	1	1	1					
Kercheval						1	1	1	1	1
Klotz	1	1	1	1					1	
Knox		1		1		1		1	1	
Long	1	1	1	1	1					
McBride		1	1	1	1				1	
McCallum	1	1	1	1	1					
Meyers	1	1				1		1	1	
Miller			1			1	1	1	1	
Morgan						1	1	1	1	1
Murphy	1		1	1	1					1
Northeutt	1	1	1	1	1					
Northup	1	1	1	1	1					
Norton	1	1	1	1	1					
Parker		1		1	1		1		1	
Patterson		1		1	1					
Paulsell	1	1		1	1				1	
Peek	1	1	1	1	1					
Pelham	1	1	1	1	1					
Pishon						1	1	1	1	1
Rea						1	1	1	1	1
Rogers	1	1	1		1	1				
Roush	1	1	1	1	1					
Russell		1		1	1					1
Simpers	1	1	1	1	1					
Simpson		1	1			1	1		1	
Snyder	1	1	1	1	1					
Stowers	1	1	1	1	1					
Summers	1	1	1	1	1					

	Armstrong	Mott	Green	Hatch	Hamilton	Love	Cluness	Belcher	Haymond	Johnson
Swift.....		1	1			1	1		1	
Terrill.....		1				1	1	1		1
Tinnin.....	1	1	1	1	1					
Thomas.....	1	1	1	1				1		
Tully.....	1		1	1	1				1	
Vandall.....		1				1	1	1	1	
Venable.....	1	1	1	1	1					
Welch.....	1	1		1	1		1			
Wickware.....		1				1	1	1	1	
Williams.....	1	1	1	1	1					
Winchell.....			1			1	1	1	1	
Wright.....	1	1	1	1	1					
Mr. Speaker.....	1	1				1	1		1	

Whole number of votes cast.....	119
Necessary to a choice.....	60
J. W. Armstrong received.....	77
E. B. Mott, Jr., received.....	91
J. J. Green received.....	86
F. W. Hatch received.....	75
Jo Hamilton received.....	75
J. L. Love received.....	40
W. R. Cluness received.....	34
W. C. Belcher received.....	37
Creed Haymond received.....	48
M. F. Johnson received.....	17
Frank Powell received.....	2
Wm. B. C. Brown received.....	1

Whereupon, the President announced that J. W. Armstrong, E. B. Mott, Jr., J. J. Green, F. W. Hatch, and Jo Hamilton, having received a majority of all the votes cast, a majority of all the members elected to both Houses being present and voting, were duly elected Trustees of the State Library, to serve for the term of four years from the twenty-eighth day of February, eighteen hundred and seventy-four.

The proceedings in Joint Convention were approved.

At one o'clock p. m., on motion of Mr. Edgerton, the Joint Convention adjourned sine die.

#### IN SENATE.

At one o'clock and three minutes p. m., Senate reassembled.  
President in the chair.

Roll called, and quorum present.

On motion of Mr. Lindsey, the Senate took a recess until two o'clock p. m.



## REASSEMBLED.

Two o'clock P. M., Senate reassembled.  
 President in the chair.  
 Roll called, and quorum present.  
 Substitute for Assembly Bill No. 4, resumed.  
 Considered in Committee of the Whole.

## IN SENATE.

Mr. Beck, by leave, presented a petition of citizens and taxpayers of Santa Cruz County, praying for the entire repeal of the Act known as the "Five Per Cent Act."

Received and laid on the table.

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Tuttle, Neff, and Evans, and the Senate refused by the following vote:

AYES—Messrs. Graves, Irwin, Kent, Laine, Martin, and McCoy—6.

NOES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Hendricks, Hopkins, Keys, Lindsey, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—32.

Senate substitute for the Assembly Bill read the third time. On the passage of the bill the ayes and noes were demanded by Messrs. Tuttle, Lindsey, and McMurry, and it passed by the following vote:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, De Haven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—38.

NOES—None.

Mr. Finney, by leave, offered a concurrent resolution, requesting the Governor to return to the Senate Senate Bill No. 28, for the purpose of correcting a clerical error.

Adopted.

Mr. Perkins, by consent, withdrew Senate Bill No. 79—An Act to add a new section to the Political Code.

At three o'clock and fifty minutes P. M., on motion of Mr. Evans, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
 Saturday, January 10th, 1874. }

The Senate met pursuant to adjournment.  
 The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### LEAVE OF ABSENCE.

Mr. McCune was granted leave of absence for one day.

#### REPORTS.

Reports were made as follows:

By Mr. Neff:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 61—An Act to amend section twenty-nine hundred and fifty-eight of the Political Code.

Also, Senate Bill No. 67—An Act to amend sections seventeen, twelve hundred and five, and fourteen hundred and forty-six of the Penal Code.

Also, Senate Bill No. 63—An Act to fix the terms of the County Court of the County of Tulare.

Also, Substitute for Senate Bill No. 23—An Act concerning conveyances by the municipal authorities of San Diego.

NEFF, Chairman.

By Mr. Perkins:

Mr. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 54—An Act for the relief of A. J. F. Phelan—have carefully considered the same, and while admitting the pay received for the services that appear to have been performed was small, yet the claimant was fully aware of the compensation he was to receive when he accepted the commission; and now, after the lapse of thirteen years, it would be a bad precedent and questionable policy, for the State to increase that sum. We, therefore, recommend that the bill do not pass.

Also, Senate Bill No. 60—An Act to provide for the payment of certain outstanding bonds of the State of California. The Act under which the claimants base their claim especially provides the payment shall come from the appropriation made by the General Government. These bonds appear to have been rejected for cause by the department at Washington, and your committee are unable to find any merit in them as a just claim against the State. We, therefore, report the bill back with amendments, and respectfully recommend that the bill do not pass.

Also, Senate Bill No. 53—An Act to pay the claim of W. L. McEwen and C. F. Smith—have considered the same, and report it back and recommend its passage.

PERKINS, Chairman.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 71—An Act entitled an Act to authorize the Governor of the State of California to pay the expenses of and to offer a reward for the arrest of the bandit Vasquez and his associates, for the murder of Davidson Redford, and others, in Monterey County, August twenty-sixth, eighteen hundred

and seventy-three, and for various robberies since committed in the County of Fresno.

Also, Senate Joint Resolution No. 13—To restore lands granted the Folsom and Placerville Railroad and Telegraph Company, to the public domain.

And have presented the same to his Excellency the Governor this day, at eleven o'clock A. M., for his approval.

McMURRY, Chairman.

Mr. Laine, for the Committee on Public Expenditures, reported Senate Bill No. 99—An Act supplemental to an Act to provide for furnishing the State Normal School building, and paying the indebtedness incurred in the construction thereof, approved March twenty-ninth, eighteen hundred and seventy-two—with amendments, and recommending the adoption of said amendments; and that the bill, as amended, be referred to the Committee on Public Buildings other than Prison Buildings, and that they may report as to the reasonableness of the appropriations mentioned in said bill.

By Mr. Lindsey:

MR. PRESIDENT: Your committee to whom was referred the matter of procuring rooms for the use of the various standing committees of this Senate, have had the matter under consideration, and report the following as the result of their investigations, viz:

The Committee on Military Affairs is invited to occupy the Adjutant General's office—room number forty.

The Committee on State Library is invited to occupy the Library room.

The Committee on Public Printing is invited to occupy the Sergeant-at-Arms' room.

And that there will remain for the use of the other standing committees of this Senate, the rooms number three (3), sixty (60), fifty-nine (59), fifty-five (55), and forty-one (41).

Your committee therefore recommend that the room number three be assigned to the Committee on Judiciary and the Committee on Corporations.

That the room number sixty be assigned to the Committee on Commerce and Navigation, and Committees on Swamp and Overflowed Lands, Education, and on Finance.

That the room number fifty-nine (59) be assigned to the Committees on State Prison, on Roads and Highways, and on Irrigation and Water Rights.

That the room number fifty-five (55) be assigned to the Committees on Counties and County Boundaries, on State and County Revenue, on Internal Improvements, and on Mines and Mining.

That the room number forty-one (41) be assigned to the Committees on Agriculture, on Claims, on Public Expenditures, and Hospitals.

Which assignments of rooms will leave the following committees unprovided for in this building, viz: The Committees on Public Lands, on Federal Relations, on Public Buildings, on Contingent Expenses, on Elections, and on Mileage.

LINDSEY, Chairman.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 9th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 59—An Act supplemental to an Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County, approved March fourth, eighteen hundred and seventy.

NEWTON BOOTH, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 10th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 68—An Act to repeal an Act concerning roads and highways in the County of Stanislaus, approved March tenth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 11—An Act to repeal an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March thirteenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 7—An Act defining the legal distances from the county seat of Ventura County, to Sacramento, Stockton, and San Quentin.

Also, Senate Bill No. 48—An Act to authorize the transfer to the General Fund, of the money in the Soldiers' Bounty Fund, the Soldiers' Relief Fund, the Line Officers' Fund, and the Hospital Fund.

Also, Senate Bill No. 12—An Act to provide for the appointment of additional Notaries Public in the Counties of Fresno, Tulare, and Humboldt.

Also, Senate Bill No. 3—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of San Mateo County to settle certain claims against said county, approved April first, eighteen hundred and seventy-two.

NEWTON BOOTH, Governor.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
January 9th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the sixth instant, passed Assembly Bill No. 64—An Act for the relief of Round Valley School District, Inyo County.



Also, on this day, passed Senate Joint Resolution No. 9—Relative to the establishment of a tri-weekly mail route from the Town of Middletown, in Lake County, via Glenbrook, to Uncle Sam, in the same county, State of California.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 64, above reported, read first and second times, and referred to the Committee on Education.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Edgerton—An Act amendatory of and supplemental to an Act approved April twenty-fifth, A. D. eighteen hundred and sixty-three, entitled "An Act to incorporate the City of Sacramento."

Read first and second times, and referred to the delegation.

Also, an Act in relation to homesteads.

Read first and second times, and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were introduced as follows:

By Mr. Bartlett:

*Resolved*, That the Secretary of State be requested to furnish to each member of the Senate one copy of the Statutes Continued in Force.

Adopted.

By Mr. Goodale:

WHEREAS, Mr. Bell, the corresponding editor of the Daily Evening Post, has given currency to a reported charge of Senatorial corruption against the joint Senator for San Francisco and San Mateo, in said Daily Post, under date January eighth, eighteen hundred and seventy-four, in the following words: "Added to this, there is a report that the vote of the joint Senator for San Francisco and San Mateo was influenced by the receipt of a specific sum;" and whereas, said Bell, while giving publicity to the charge, has refused to reveal the name or names of the person or persons making such charge—thus virtually assuming the authorship of the charge itself; therefore, be it

*Resolved by the Senate*, That said Bell be and he is hereby expelled from his reporter's desk in this Senate, and forbidden again to occupy it during the twentieth session of this Legislature.

Adopted.

#### NOTICES.

Notices of the introduction of bills were given, as follows:

By Mr. Evans—An Act to regulate the liability of hotel keepers, and to prevent fraud and fraudulent practices upon, or by, hotel keepers.

By Mr. Graves—An Act recommending to the electors of the State, at the next election for members of the Legislature, to vote for or against a Convention to revise and change the entire Constitution of the State.

On motion of Mr. Neff, the Committee on State Prison were granted leave of absence for one week.

Mr. Pendegast, by leave, introduced a bill as follows:

An Act to amend the Penal Code.

Read first and second times and referred to the Judiciary Committee.

#### GENERAL FILE.

Senate Bill No. 6.—An Act to amend an Act entitled an Act to establish a Political Code.

Also, Senate Bill No. 46—An Act authorizing and directing the Clerk of the Supreme Court of the State of California, to make general indices of the records, files, and minutes of the Supreme Court.

Also, Senate Bill No. 69—An Act to provide for the redemption of outstanding bonds of Butte County.

Read third time and passed.

Also, Senate Bill No. 38—An Act to amend an Act entitled an Act to establish a Political Code.

Read third time and passed.

Also, Senate Bill No. 97—An Act to amend an Act entitled an Act to empower the City of Stockton to fund its school debt, and for school purposes.

Ordered engrossed.

Also, Senate Bill No. 37—An Act to amend an Act entitled an Act to establish and maintain a dispensary in the City of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Considered in Committee of the whole.

In Senate, ordered engrossed.

Also, Senate Bill No. 96—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two.

Returned to file.

Mr. Finney, by consent, offered a concurrent resolution, as follows:

*Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be authorized to insert, in the first section of Senate Bill No. 28, in place of the words "March Twenty-eighth," the words "March Twenty-fifth."*

Adopted.

Confirmation of Charles Nelson, as Pilot Commissioner for the ports of San Francisco, Mare Island, and Benicia, vice McNeill, removed.

Upon the question, "Will the Senate advise and consent to said appointment?" the roll was called, with the following result:

**AYES**—Messrs. Bartlett, Beck, Boggs, Bush, Crane, Dyer, Eakin, Edger-ton, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Keys, Laine, Lindsey, Martin, McCoy, McCusick, McMurry, O'Connor, Pendegast, Perkins, Roach, and Spencer—28.

**NOES**—Mr. Neff—1.

Assembly Concurrent Resolution No. 2, relative to a breakwater at Crescent City, Del Norte County, State of California.

Read third time and passed.

Senate Bill No. 32—An Act to amend section two hundred and sixty-eight of the Political Code.

Also, Senate Bill No. 72—An Act to amend an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles.

Considered in Committee of the Whole.

In Senate, ordered engrossed.

On motion of Mr. Beck, the Committee on Public Buildings and Grounds were granted leave of absence for one week.

The resolution introduced on yesterday, reading as follows, was taken up:

*Resolved*, That Senator Charles Kent be and he is hereby added to the Committee on State Prison.

Lost.

At twelve o'clock and fifteen minutes, P. M., on motion of Mr. Pendergast, the Senate adjourned to Monday, January twelfth, at two o'clock and thirty minutes P. M.

## IN SENATE.

SENATE CHAMBER,

Monday, January 12th, 1874. }

The Senate met pursuant to adjournment.

Mr. Irwin, President pro tem., in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Saturday last read and approved.

## LEAVE OF ABSENCE.

Mr. Perkins was granted leave of absence for two days, and Mr. Martin for one day.

## PETITION.

Mr. Edgerton presented a memorial and petition from the Board of Control of the California Woman's Suffrage Association.

Laid on the table.

## MOTIONS.

Mr. Farley moved to reconsider the vote whereby the Senate, on Saturday, expelled Mr. Bell, the correspondent of the San Francisco Daily Evening Post, from the floor of the Senate.

Unanimously adopted.

Mr. Finney moved that a special committee of three be appointed to

investigate the matter of Mr. Bell's expulsion, and report such action as the committee may deem proper.

Carried.

Mr. Dyer moved that the report to be made by said special committee be made the special order for one week from to-morrow—Tuesday, the twentieth instant—at twelve o'clock M.

So ordered.

#### REPORT.

The following report was submitted:

By Mr. Hendricks:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 42—An Act to amend section two hundred and sixty-eight of the Political Code.

Also, Senate Bill No. 72—An Act to amend an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two.

Also, Senate Bill No. 97—An Act to amend an Act entitled an Act to empower the City of Stockton to fund its school debt, and for school purposes, approved March twenty-sixth, eighteen hundred and seventy-two.

HENDRICKS, for Committee.

Mr. Farley, by leave, moved to reconsider the vote whereby the Senate refused, on Saturday, to add Mr. Kent to the Committee on State Prison.

Carried.

On motion of Mr. Farley, Mr. Kent was added to the Committee on State Prison.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 12th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the tenth instant, passed Senate Joint Resolution No. 22—Approving the appointment of General George Crook as Brigadier General.

Also, adopted Senate Joint Resolution No. 26—Requesting the Governor to return Senate Bill No. 28 for the correction of a clerical error.

Also, adopted Assembly Concurrent Resolution No. 18—Relative to appointing a joint committee to take into consideration and report upon the necessity for a Convention to revise the State Constitution.

Also, concurred in Senate amendment to Assembly Bill No. 4—An Act to repeal an Act entitled an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties.

JOHN WEBBER,  
Assistant Clerk.



Assembly Concurrent Resolution No. 18, above reported, was concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Edgerton—An Act to provide for the commitment of insane defendants in criminal actions to the Insane Asylum, and for their confinement therein.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Dyer—An Act to provide for a State census in eighteen hundred and seventy-five.

Read first and second times, referred to the Committee on Finance, and ordered printed.

By Mr. Keys—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Senate Bill No. 61—An Act to amend section two thousand nine hundred and fifty-eight of the Political Code.

Also, Senate Bill No. 67—An Act to amend sections seventeen, twelve hundred and five, and fourteen hundred and forty-six of the Penal Code.

Also, Senate Bill No. 23—An Act concerning conveyances by the municipal authorities of the City of San Diego.

Read a third time and passed.

Also, Senate Bill No. 96—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two.

Rules suspended, considered engrossed, read third time, and passed.

Also, Senate Bill No. 54—An Act for the relief of A. J. F. Phelan.

Returned to file.

Also, Senate Bill No. 60—An Act to provide for the payment of certain outstanding bonds of the State of California.

Recommendation of the committee that the bill do not pass, adopted.

Also, Senate Bill No. 53—An Act to pay the claim of W. L. McEwen and C. F. Smith.

Considered in Committee of the Whole and ordered engrossed.

Also, Senate Bill No. 99—An Act supplemental to an Act entitled an Act to provide for finishing the State Normal School building, and pay the indebtedness incurred in the construction thereof, approved March twenty-ninth, eighteen hundred and seventy-two.

Referred to the Committee on Public Buildings other than Prison Buildings.

#### REPORT.

Mr. Hendricks, by leave, submitted a report, as follows:

MR. PRESIDENT: The Committee on Contingent Expenses report the resolution, appointing Mrs. Wm. Neely Johnson Assistant Copying Clerk, back, without recommendation, and recommend that the Copying Clerks be authorized to appoint two assistants.

HENDRICKS, for Committee.

Accompanying the report was an application from the Copying Clerks, as follows:

*To the Chairman of the Committee on Contingent Expenses:*

In compliance with Standing Rule of the Senate No. 52, we, the undersigned, Copying Clerks of the Senate, respectfully request and recommend that we be authorized to appoint two assistants. The resolution adopted by the Senate, ordering all general bills printed, makes such assistance necessary.

FRED. CREQUE,  
A. J. STARLING.

JANUARY 8th, 1874.

On motion of Mr. McKusick, the names of the persons recommended for appointment were inserted in a resolution, as follows:

*Resolved*, That Mrs. Billett and Myron Angell be and they are hereby appointed Assistant Copying Clerks, at a per diem allowed Copying Clerks, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

At three o'clock and forty minutes P. M., on motion of Mr. Fraser, the Senate adjourned.

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### IN SENATE.

SENATE CHAMBER,  
Tuesday, January 13th, 1874. }

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

### LEAVE OF ABSENCE.

Mr. Evans was granted leave of absence for two days, and Mr. Martin for one day.

### REPORTS.

Reports were submitted as follows:

By Mr. Bush:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 37—An Act to amend an Act entitled an Act to establish and maintain a dispensary in the City of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Also, Senate Bill No. 53—An Act to pay the claim of W. L. McEwen and C. F. Smith.

C. W. BUSH, for Committee.

By Mr. Laine:

MR. PRESIDENT: The Committee on Public Expenditures, to whom was referred the petition of the Society of "California Pioneers," asking a renewal of the annuity heretofore granted to General John A. Sutter, have fully considered the matter, and now report that in the opinion of the committee, the annuity should not be continued, as we feel fully persuaded that all legislation of the kind petitioned for is unwise, wrong in principle, and unjust. The people of the State have not made the Legislature their almsman. Money raised by the taxation of the people is for the purpose of paying the expenses of Government, and not to be given away in charity to any person or set of persons. The people, if they desire to give away money, can easily do so without the interposition of the Legislature, with its costly machinery. While our duty as public servants requires that we should report against the proposed annuity, we beg to say we do so on principle, and not that we fail to recognize and fully appreciate the kindness and generosity of General Sutter extended to the early settlers of this State. We are, however, not unmindful of the fact that hundreds of others in positions more humble, and with means less efficient, also ministered to the wants of our early settlers with warm hearts and open hands, whose kindnesses, though not forgotten by the recipients thereof, have never been rewarded or considered by the State because of their humbleness of station; and we think it is unjust to single out some prominent one, and bestow all the rewards on that one, to the neglect of others equally worthy. Again, the policy of civilized Governments of modern times has been not to encourage or compensate good deeds by a system of rewards, but let the reward of virtuous and charitable actions be the approval of a good conscience, the love and esteem of honorable men, and the blessings of the Dispenser of all good.

LAINE, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER. }  
January 13th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twelfth instant, passed Assembly Bill No. 25—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Tulare, Fresno, Kern, Ventura, and Santa Barbara.

Also, Assembly Bill No. 42—An Act to provide for the location, construction, and maintenance of public roads in Lake County.

Also, Assembly Bill No. 59—An Act to make valid a certain deed made by the Board of Supervisors of the County of San Bernardino, and the Board of Trustees of the Town of San Bernardino.

Also, Assembly Bill No. 65—An Act to amend the Penal Code by adding a new section, to be known as section four hundred.

Also, Assembly Concurrent Resolution No. 22—Providing for a Joint

Committee to consider the memorial from the Woman Suffrage Association of California.

Also, Assembly Concurrent Resolution No. 14—To indorse the action of our Representatives in Congress relative to the employment of coolie labor.

Also, adopted Senate Concurrent Resolution No. 27—Authorizing the Enrolling Clerk of the Senate to correct an error in Senate Bill No. 28.

Also, on the sixth instant, passed Assembly Bill No. 70—An Act to revise an Act entitled an Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 25, above reported, read first and second times, referred to the Judiciary Committee, and ordered printed.

Assembly Bills Nos. 59 and 65, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 42, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Assembly Concurrent Resolution No. 22, above reported, laid on the table.

Assembly Bill No. 70, above reported, read first and second times, and referred to the Committee on Corporations.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Graves—An Act to amend section fifty-eight of the Code of Civil Procedure.

Also, an Act to amend sections twelve hundred and forty-eight and twelve hundred and fifty-one, and to repeal section twelve hundred and fifty-four of the Code of Civil Procedure.

Bills read first and second times, and referred to the Judiciary Committee.

By Mr. McCune—An Act to provide for the payment of certain indebtedness against the State.

Read first and second times, and referred to the Committee on Claims.

By Mr. Laine—An Act to amend an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, in regard to public printing.

Read first and second times, and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Bush offered a concurrent resolution, as follows:

*Resolved by the Senate, the Assembly concurring, That the Senate Committee and Assembly Committee on Hospitals, be and are hereby authorized to employ a clerk, at the same per diem as clerks at the desk, one half*



payable out of the Contingent Fund of the Senate, and one half out of the Contingent Fund of the Assembly.

On motion of Mr. McKusick, the resolution was amended to read "that said clerk shall not be employed after the committee have completed their investigations."

Adopted.

When the resolution as amended was adopted.

On motion of Mr. Finney, Rule Number Nineteen was suspended, and the Chair authorized to appoint the committee of investigation on the expulsion of Mr. Bell, the *Daily Evening Post* reporter.

The President pro tem. subsequently appointed as such committee Messrs. O'Connor, McKusick, and Laine.

[Mr. Farley in the chair.]

#### GENERAL FILE.

Senate Bill No. 32—An Act to amend section two hundred and sixty-eight of the Political Code.

Mr. Irwin moved to reconsider the vote whereby the bill was ordered engrossed.

Lost.

On motion of Mr. Irwin, the bill was recommitted to the Committee on Public Expenditures, with special instructions to change the per diem of Minute Clerk in the bill from six to eight dollars.

Senate Bill No. 72—An Act to amend an Act entitled an Act concerning compensation of certain county officers in the County of Los Angeles.

Read third time, and passed.

Senate Bill No. 97—An Act to amend an Act entitled an Act to empower the City of Stockton to fund its school debt, and for school purposes.

Read third time and passed.

Senate Bill No. 54—An Act for the relief of A. J. F. Phelan.

Laid on the table.

Resolution appointing Mrs. William Neely Johnson Assistant Copying Clerk.

Laid on the table.

[President pro tem. in the chair]

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Lindsey, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER,  
Wednesday, January 14th, 1874. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### REPORTS.

Reports were submitted, as follows:

By Mr. McKusick:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Concurrent Resolution No. 22—approving the appointment of General George Crook as Brigadier General—and have presented the same to his Excellency the Governor, this day, at two o'clock P. M.

McKUSICK, for Committee.

By Mr. Lindsey:

MR. PRESIDENT: Your committee to whom was referred Senate Bill No. 73—An Act to provide for the payment of interest on Trustees' orders against certain swamp land districts—have had the same under consideration, and report the same back, with the recommendation that the same do pass.

LINDSEY, Chairman.

By Mr. McKusick:

MR. PRESIDENT: Your committee to whom was referred Senate Bill No. 78—An Act to repeal in part an Act entitled an Act to release the claim of the State of California to certain lands in township eleven (11), range four (4) east, Mount Diablo base and meridian, approved April first, eighteen hundred and seventy-two—have carefully considered the same, and respectfully report the same back and recommend that it be indefinitely postponed, for the following reasons: It is claimed that the Act of eighteen hundred and seventy-two, above referred to, releases to the United States and those claiming under the United States, certain parcels of land, among which was the northeast quarter of section six, township eleven, range four east, Mount Diablo base and meridian, which, at the time of the passage of said Act, the State of California had no claim upon, but that one George W. Leet was the owner of the said northeast quarter, as a purchaser from the State. Your committee did not deem it necessary to consider the question of forfeiture under the provisions of the Act of April twenty-eighth, eighteen hundred and fifty-five, under which this land was purchased, since they were of the opinion that the Act of April first, eighteen hundred and seventy-two (a part of which this "bill" proposes to repeal), did not impair the rights of the said George W. Leet, nor can the repeal of the said Act, or any part of it, give to the said George W. Leet any rights which he does not already possess. A communication accompanying said bill states that there is now pending at Washington a contest between said Leet and one Donaldson concerning the said northeast quarter, and that the Act of April first, eighteen hundred and seventy-two, wrongfully and materially affects the interest of said Leet in said contest. Your committee being of the opinion that said Act of April first, eighteen hundred and seventy-two, did not affect the rights of either party, think that the repeal of the same, or any portion of it, would be regarded

only as an attempt on the part of this Legislature to interfere in a contest now pending before the proper authorities.

McKUSICK, Chairman.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 14th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Concurrent Resolution No. 12—Relative to establishing the boundary line between Del Norte County, California, and Curry County, Oregon.

Also, Assembly Bill No. 81—An Act to declare Lake Earl, in Del Norte County, navigable.

Also, Assembly Bill No. 85—An Act to authorize the Board of Supervisors of Del Norte County to transfer certain funds.

Also, Assembly Bill No. 86—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Klamath and Del Norte.

Also, Senate Joint Resolution No. 20—Preamble and resolutions relative to an appropriation by Congress for the removal of the wreck of the ship "Patrician," and the rock known as the "Noonday Rock," near the entrance to the harbor of San Francisco.

Also, Senate Bill No. 75—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Napa State Asylum for the Insane.

Also, Senate Bill No. 88—An Act to amend an Act relating to the Yreka School District, in Siskiyou County, approved March eighteenth, eighteen hundred and seventy.

WEBBER,  
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 12, above reported, read first and second times, and referred to the delegation from the county named in the resolution.

Assembly Bill No. 81, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 85, above reported, read first and second times, and referred to delegations named in the bill.

Assembly Bill No. 86, above reported, read first and second times, and referred to the Committee on Roads and Highways.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bartlett—An Act to enforce the responsibility of stockholders in corporations as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Keys—An Act to amend section three hundred and ninety-three of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Laine—An Act amendatory of an Act making an appropriation for the capture of the bandit Vasquez and his band, approved January tenth, eighteen hundred and seventy-four.

Read first and second times; considered in Committee of the Whole.

In Senate, rules suspended, considered engrossed by unanimous consent, read third time, and passed.

By Mr. Farley—An Act granting leave of absence from the State to J. B. Scott, Sheriff of Alpine County.

Read first and second times; considered in Committee of the Whole.

In Senate, rules suspended, considered engrossed, and by unanimous consent, read third time, and passed.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. McCune submitted a concurrent resolution—To secure the formation of a Commission to adjust, settle, and fix the losses which certain claimants have sustained by reason of the action of the General Government in relation to certain lands in Solano County.

Read first and second times, and referred to the Committee on Federal Relations.

#### GENERAL FILE.

Senate Bill No. 37—An Act to amend an Act entitled an Act to establish and maintain a dispensary in the City of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Also, Senate Bill No. 53—An Act to pay the claim of W. L. McEwen and C. F. Smith.

Read third time, and passed.

Mr. Lindsey, by leave, submitted a report, as follows:

MR. PRESIDENT: Your committee to whom was referred the resolution to authorize the Secretary of the Senate to appoint an Assistant Clerk, have had the same under consideration, and, after a careful examination, do now report the same back, with a recommendation that the resolution be adopted.

HENDRICKS,  
LINDSEY,  
For Committee.

Mr. Finney, by request, submitted the following report:

#### MINORITY REPORT OF COMMITTEE ON CONTINGENT EXPENSES.

MR. PRESIDENT: Your committee respectfully make the following report upon the resolution asking for the election of an Assistant Secretary: That for the present there are no sufficient reasons shown why such Assistant Secretary should be elected, as called for in the resolution. The facts developed upon examination are contingent rather than absolute, and when those contingencies arise which make it necessary to



have an Assistant Secretary, as called for in the resolution, then, in the opinion of your committee, will be the proper time to pass a resolution of this character. All of which is respectfully submitted.

GOODALE, for Committee.

The resolution submitted in the report of the majority of the committee, reading as follows, was taken up:

*Resolved*, That the Secretary of the Senate be authorized to appoint an Assistant Clerk, whose duty shall be to assist at the desk, and to do such copying as may be required by the Secretary, at the per diem allowed Assistant Clerks at the desk, payable out of the appropriation for contingent expenses of the Senate.

Adopted.

At eleven o'clock and fifty minutes A. M., on motion of Mr. Bush, the Senate adjourned.

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## IN SENATE.

SENATE CHAMBER,  
Thursday January 15th, 1874. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

## PETITIONS.

Mr. Bush presented petitions from citizens and taxpayers of the City and County of Los Angeles, in reference to authorizing the City of Los Angeles to issue bonds to raise money to enable said city to purchase grounds for the depot and workshop of the Southern Pacific Railroad Company.

Laid on the table.

## REPORTS.

Reports were submitted as follows:

By Mr. Bush:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 118—An Act amendatory of an Act making an appropriation for the capture of the bandit Vasquez, and his band, approved January tenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 96—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two.

BUSH, for Committee.

By Mr. Graves:

Mr. PRESIDENT: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 29—"To secure the formation of a Commission to adjust, settle, and fix the losses which certain claimants have sustained by reason of the action of the Federal Government in relation to certain lands in Solano County"—have the same under consideration, and report it back and recommend its passage.

GRAVES, Chairman.

Mr. Laine, for the Committee on Public Corporations, verbally reported Senate Bill No. 32—An Act to amend section two hundred and sixty-eight of the Political Code.

Amended in accordance with special instructions.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from his Excellency the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 12th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 28—An Act to repeal the special road laws of San Mateo County.

Also, Senate Bill No. 71—An Act to authorize the Governor of the State of California to pay the expenses of and offer a reward for the arrest of the bandit Vasquez and his associates, for the murder of Davidson Redford, and others, in Monterey County, August twenty-sixth, eighteen hundred and seventy-three, and for robberies since committed in the County of Fresno.

Also, Senate Bill No. 40—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

NEWTON BOOTH,  
Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Evans—An Act to regulate the liabilities of hotel keepers, and to prevent fraud and fraudulent practices upon or by hotel keepers.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Keys—An Act to amend sections three thousand six hundred and seventy-four, three thousand six hundred and seventy-five, and three thousand six hundred and seventy-six of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

Also, An Act to amend sections four thousand and seventy-three and four thousand and seventy-four of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Bush—An Act to authorize the corporation of the City of

Los Angeles to issue bonds to purchase railroad, depot, and workshop grounds.

Read first and second times, and, with petitions referring to the same subject, referred to the Committee on Corporations.

By Mr. Eakin—An Act to repeal an Act concerning roads and highways in Tuolumne County.

Read first and second times, and referred to the Tuolumne delegation.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. Graves, Senate Concurrent Resolution No. 29, reported from the Committee on Federal Relations to-day, was taken up, under a suspension of the rules.

Considered in Committee of the Whole.

In Senate, rules suspended, considered, read third time, and passed.

Mr. O'Connor, by consent, withdrew from the further consideration of the Senate, Senate Bill No. 54, with accompanying papers.

#### GENERAL FILE.

Senate Bill No. 74—An Act to provide for the payment of interest on Trustees' orders against certain swamp land districts.

Considered in Committee of the Whole.

In Senate, ordered engrossed.

Senate Bill No. 78—An Act to repeal in part an Act entitled an Act to release the claim of the State of California to certain lands in township eleven, range four east, Mount Diablo base and meridian.

Considered in Committee of the Whole.

In Senate, laid on the table.

Mr. Andross submitted the following reports:

**MR. PRESIDENT:** Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled, Senate Concurrent Resolution No. 14—indorsing the Hon. H. F. Page in his efforts to prohibit the employment of coolie labor;

Also, Senate Joint Resolution No. 20—entitled Preamble and Resolutions relative to an appropriation by Congress for the removal of the wreck of the ship "Patrician," and the rock known as the "Noonday Rock," near the entrance of the Harbor of San Francisco;

And have presented the same to his Excellency the Governor, this day, at eleven o'clock and fifteen minutes A. M.

ANDROSS, for Committee.

**MR. PRESIDENT:** Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 75—entitled an Act to prohibit the sale of intoxicating liquors within a certain distance of the Napa State Asylum for the Insane.

Also, Senate Bill No. 88—entitled an Act to amend an Act entitled an Act relating to the Yreka School District, in Siskiyou County, approved March eighteenth, eighteen hundred and seventy.

And have presented the same to his Excellency the Governor, this day, at eleven o'clock and fifteen minutes A. M., for his approval.

ANDROSS, for Committee.

At eleven o'clock and thirty-five minutes A. M., on motion of Mr. Fraser, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Friday, January 16th, 1874. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Farley was granted leave of absence for two days.

## PETITIONS.

Mr. Lindsey presented a petition from citizens of Tulare County for a no-fence law, and moved that the petition, together with Assembly Bill No. 25, be referred to the Judiciary Committee.

So ordered.

By Mr. Bartlett—A memorial from the Chamber of Commerce, praying for a repeal of all Acts enforcing section thirty-sixth, of Article Four, of the Constitution, etc.

Received, and referred to the Committee on Corporations.

By Mr. Bush—A petition of citizens of Los Angeles County, praying that section nine hundred and seventy-seven of the Code of Civil Procedure be amended, so far as it relates to the said county, by inserting after the words "Justice or Judge" the words "and Constable," etc.

Received, and referred to the Judiciary Committee.

## REPORTS.

Reports were submitted as follows:

By Mr. Bush:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 119—An Act granting leave of absence from the State to J. B. Scott, Sheriff of Alpine County.

Also, Senate Concurrent Resolution No. 29—To secure the formation of a Commission to adjust, settle, and fix the losses which certain claimants have sustained by reason of the action of the General Government, in relation to certain lands in Solano County.

BUSH, for the Committee.

By Mr. McKusick:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No.



69—entitled an Act to provide for the redemption of the outstanding bonds of Butte County, and have presented the same to his Excellency the Governor, this day, at ten o'clock and forty-five minutes A. M., for his approval.

McKUSICK, for Committee.

By Mr. Graves:

Mr. PRESIDENT: The delegation from San Luis Obispo and Santa Barbara, to whom was referred Senate Bill No. 8—An Act to repeal an Act concerning roads in the Counties of Santa Barbara and San Luis Obispo, passed February twenty-first, eighteen hundred and seventy-two—report the same back, and recommend its passage.

W. J. GRAVES.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
January 15th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eighth instant, passed Assembly Bill No. 103—An Act to prevent hogs and goats running at large in the Town of Davisville, Yolo County.

Also, on the fourteenth instant, passed Assembly Concurrent Resolution No. 9—relative to the election of United States Senators.

Also, Assembly Concurrent Resolution No. 13—relative to the establishment of a daily mail route from Redding via Shasta, Whiskytown, Tower House, French Gulch, Mountain House, Trinity Valley, Trinity Center, Carr's Ranch, New York House, Callaghan's Ranch, McBride's Ranch, Etna Mills, Crystal Creek, Scott Valley, Fort Jones, Gordon's Mills, and Forrest House, to Yreka.

Also, Assembly Bill No. 67—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Santa Anna River, in Los Angeles County, and to issue bonds for the payment of the same.

Also, Assembly Bill No. 71—An Act to amend an Act fixing the time of holding the County Court and Probate Court in the County of Calaveras, approved April fourth, A. D. eighteen hundred and sixty-four.

Also, Assembly Bill No. 89—An Act to provide for the construction and maintenance of free bridges in the County of Trinity, and to set apart a Fund therefor.

Also, Assembly Bill No. 91—An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco.

Also, Senate Bill No. 69—An Act to provide for the redemption of outstanding bonds of Butte County.

Also, that Messrs. Coggins, Rogers, Gurnett, and Giffen, have been appointed, under Assembly Concurrent Resolution No. 18, to confer with Senate committee on policy of calling a Convention to revise the State Constitution.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
January 16th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twelfth instant, passed Assembly Bill No. 74—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, on the fifteenth instant, passed Assembly Concurrent Resolution No. 8—relative to lands granted the Stockton and Copperopolis Railroad.

Also, Assembly Concurrent Resolution No. 10—asking Congressional appropriation to improve the navigation of the San Joaquin River.

Also, Assembly Bill No. 57—An Act granting leave of absence to Henry M. Isaacs, County Treasurer of Inyo County.

Also, Assembly Bill No. 87—An Act in relation to Swamp Land District Number One Hundred and Fifty.

Also, Assembly Bill No. 94—An Act to authorize the Board of Supervisors of Humboldt County to transfer certain funds.

Also, Assembly Bill No. 95—An Act to change the orthography of the name of a town in Shasta County.

Also, Assembly Bill No. 101—An Act amendatory of an Act entitled an Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax, and create a Redemption Fund, for the payment of county indebtedness, approved March twenty-sixth, eighteen hundred and seventy.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 103, above reported, read first and second times, and referred to the Yolo County delegation.

Assembly Bill No. 67, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Assembly Concurrent Resolution No. 9; also, Assembly Concurrent Resolution No. 10, above reported, read first and second times, and referred to the Committee on Federal Relations.

Assembly Concurrent Resolution No. 13; also, Assembly Bill No. 74; also, Assembly Bill No. 57, each read first and second times, and ordered on the General File.

Assembly Bill No. 71, above reported, read first and second times, and referred to the Calaveras County delegation.

Assembly Bill No. 89, above reported, read first and second times, and referred to the delegation from Trinity County.

Assembly Bill No. 9, above reported, read first and second times, and referred to the San Francisco delegation.

Assembly Concurrent Resolution No. 8, above reported, read first and second times, and referred to the Committee on Public Lands.

Assembly Bill No. 87, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 94, above reported, read first and second times, and referred to the Humboldt County delegation.

Assembly Bill No. 95, above reported, read first and second times, and referred to the Shasta County delegation.

Assembly Bill No. 101, above reported, read first and second times, and referred to the Del Norte County delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to make applicable to the County of Tulare, an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two.

Read first and second times, and referred to Committee on Counties and County Boundaries.

By Mr. Fraser—An Act to appropriate money to pay the claim of George A. Blanchard.

Read first and second times, and referred to Committee on Claims.

By Mr. Bush—An Act to promote irrigation in Los Angeles County.

Read first and second times, and referred to Committee on Irrigation and ordered printed.

#### NOTICE.

Mr. Laine gave notice of an Act to modify and reduce the expense of the State military system.

#### GENERAL FILE.

Senate Bill No. 32—An Act to amend section two hundred and sixty-eight of the Political Code.

Amendment adopted, read a third time and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 16th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 75—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Napa State Asylum for the Insane.

Also, Senate Bill No. 88—An Act to amend an Act entitled an Act relating to the Yreka School District, in Siskiyou County, approved March eighteenth, eighteen hundred and seventy.

NEWTON BOOTH,  
Governor.

At eleven o'clock and forty-five minutes A. M., Mr. Fraser moved that the Senate adjourn until Monday next, at two o'clock and thirty minutes P. M.

Lost.

When, on motion of Mr. Lindsey, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Saturday, January 17th, 1874. }

The Senate met pursuant to adjournment.  
The President pro tem. in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Messrs. McCune, Fraser, and Gibbons were granted leave of absence for one day each.

On motion of Mr. Perkins, the Secretary of the Senate was granted two days' leave of absence, on account of sickness in his family.

## PETITION.

Mr. Evans presented a petition from citizens and taxpayers of Visalia, in reference to an Act to incorporate the City of Visalia, and to provide schools therein.

Received, and referred to the Committee on Corporations.

## REPORTS.

Reports were submitted as follows:

By Mr. Hopkins:

MR. PRESIDENT: The Committee on Irrigation and Water Rights, to whom was referred Assembly Concurrent Resolution No. 5—Protesting against granting subsidies to the San Joaquin and Kings River Irrigating Company—report the same back, with an amendment, and recommend its passage as amended.

Amend by inserting after the word "resolved," in the first line, the words "by the Assembly, the Senate concurring."

HOPKINS, Chairman.

By Mr. Bush:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bill:

Senate Bill No. 73—An Act to provide for the payment of interest on Trustees' orders against certain swamp land districts.

BUSH,  
For the Committee.



## ASSEMBLY MESSAGE.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 17th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 31—An Act to amend a certain section of Volume I of the Political Code.

Also, Assembly Bill No. 119—An Act for the protection of game in Nevada County.

Also, Assembly Bill No. 104—An Act to reincorporate the Town of San Buenaventura, and approving certain ordinances and proceedings of the Town Trustees.

Also, Assembly Bill No. 122—An Act providing for the refunding of the bonded indebtedness of the County of Santa Cruz.

Also, Assembly Bill No. 125—An Act granting leave of absence to D. B. Merry, County Surveyor of Nevada County.

Also, Assembly Bill No. 132—An Act amendatory of an Act entitled an Act relating to the Board of Supervisors of the Counties of Napa and Mendocino, approved April fourth, eighteen hundred and sixty-four, so far as the same applies to or affects Mendocino County.

Also, Assembly Bill No. 133—An Act to repeal an Act entitled an Act to authorize the Counties of Mendocino, Humboldt, Klamath, and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties, so far as the same applies to or affects the County of Mendocino.

Also, Senate Bill No. 34—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and for other purposes.

Also, Senate Bill No. 63—An Act to fix the terms of the County Court of the County of Tulare.

Also, Senate Bill No. 118—An Act amendatory of an Act making an appropriation for the capture of the bandit Vasquez and his band, approved January tenth, eighteen hundred and seventy-four.

Also, amended and passed Senate substitute for Senate Bill No. 38—An Act to provide for the appointment of additional Notaries Public in some of the counties of the State.

JOHN WEBBER,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bills Nos. 119 and 125, above reported, read first and second times, and referred to the Nevada County delegation.

Assembly Bill No. 31, above reported, read first and second times, and referred to the Committee on Mileage.

Assembly Bill No. 104, above reported, read first and second times, and referred to the delegation from Ventura County.

Assembly Bill No. 122, above reported, read first and second times, and referred to the Santa Cruz delegation.

Assembly Bill No. 132, above reported, read first and second times, and referred to the Mendocino County delegation.

Assembly Bill No. 133, above reported, read first and second times, and referred to the Committee on Corporations.

Substitute for Senate Bill No. 38, above reported; the Senate concurred in the Assembly amendment to the bill.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Crane—An Act to amend section thirty-seven hundred and ninety-seven of the Political Code.

Read first and second times, and referred to the Committee on State and County Revenue.

By Mr. Lindsey—An Act granting leave of absence from the State to George S. Palmer, District Attorney elect of Tulare County.

Read first and second times, and referred to the Judiciary Committee.

#### NOTICE.

Mr. Perkins gave notice of an Act relative to apprentices.

#### GENERAL FILE.

Senate Bill No. 8—An Act to repeal an Act concerning roads in the Counties of Santa Barbara and San Luis Obispo.

Rules suspended, considered engrossed, read a third time and passed.

Assembly Bill No. 74—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriations of money by said Board.

Read third time and passed.

On motion of Mr. Laine, the rules were suspended, and the report of the committee concerning rooms for the different committees, as submitted by Mr. Lindsey on the tenth instant, and which was entered in full upon the Senate Journal of that date, was taken up and adopted.

At eleven o'clock and forty-five minutes A. M., on motion of Mr. Oulton, the Senate adjourned until Monday next, at two o'clock and thirty minutes P. M.

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#### IN SENATE.

SENATE CHAMBER,

Monday, January 19th, 1874. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Mr. Gibbons was granted leave of absence for one day.

Mr. Farley was granted indefinite leave of absence.

## PETITION.

Mr. Laine presented a petition from the San José Grange Number Ten, in regard to irrigation.

Received, and referred to Committee on Irrigation.

## REPORTS.

Reports were submitted as follows:

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 118—An Act entitled an Act amendatory of an Act making an appropriation for the capture of the bandit Vasquez and his band, approved January tenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 63—An Act entitled an Act to fix the terms of the County Court of the County of Tulare.

Also, Senate Bill No. 38—An Act entitled an Act to provide for the appointment of additional Notaries Public in some of the counties of this State.

Also, Senate Bill No. 34—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and for other purposes.

And have presented the same to his Excellency the Governor, this day, at two o'clock and thirty minutes P. M., for his approval.

McMURRY, for Committee.

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 32—An Act to amend section two hundred and sixty-eight of the Political Code.

Also, Senate Bill No. 8—An Act to repeal an Act concerning roads in the Counties of Santa Barbara and San Luis Obispo, passed February twenty-first, eighteen hundred and seventy-two.

NEFF, Chairman.

By Mr. Pendegast:

MR. PRESIDENT: The Mendocino delegation, to whom was referred Assembly Bill No. 132—An Act amendatory of an Act entitled an Act relating to the Board of Supervisors in the Counties of Napa and Mendocino, approved April fourth, eighteen hundred and sixty-four—report the same back and recommend its passage.

PENDEGAST, for Delegation.

By Mr. Beck:

MR. PRESIDENT: The Santa Cruz delegation, to whom was referred Assembly Bill No. 122—An Act for the refunding of the bonded indebtedness of the County of Santa Cruz—report the bill back and recommend its passage.

BECK, for Delegation.

By Mr. McMurry:

MR. PRESIDENT: The delegation, to whom was referred Assembly Bill No. 95—An Act to change the orthography of the name of a town in Shasta County—have had the same under consideration, and herewith report the same back, and recommend that it pass.

McMURRY, for Delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Laine—An Act to amend the Political Code, and other Acts concerning military affairs.

Read first and second times, and referred to the Committee on Military Affairs.

By Mr. McCoy—An Act to fix the salary of County Judge in the Counties of San Diego and San Bernardino.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Duffy—An Act amendatory of and supplementary to an Act approved March sixth, eighteen hundred and seventy-two, entitled an Act to incorporate the City of Sacramento.

Read first and second times, and referred to the Sacramento County delegation.

By Mr. Lindsey—An Act proposing an amendment to section fourteen, of Article I, of the Constitution of the State of California.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. McMurry—An Act to amend section two hundred and seventy-three of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. O'Connor—An Act to amend an Act entitled an Act for the relief of Morris Woolf, approved March fourth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Claims.

By Mr. McCoy—An Act to repeal an Act entitled an Act to make an Act herein named applicable to the County of San Bernardino.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Pendegast—An Act to amend section thirty-three hundred and eighty-two of the Political Code.

Read first and second times, and referred to the Committee on Finance.

By Mr. Boggs—An Act to amend section sixty-seven of the Code of Civil Procedure.

Read first and second times; rules suspended; considered in Committee of the Whole.

In Senate, rules further suspended, considered engrossed, and by unanimous consent, read third time and passed.

By Mr. Beck—An Act to amend an Act entitled an Act to incorporate



the Town of Watsonville, Santa Cruz County, California, approved March thirteenth, eighteen hundred and sixty-eight.

Read first and second times; rules suspended; considered in Committee of the Whole.

In Senate, rules further suspended, considered engrossed, and by unanimous consent, read third time and passed.

By Mr. Finney (by request)—An Act granting additional powers to the Loan Commissioners, constituted by an Act approved April second, eighteen hundred and seventy.

Read first and second times, and referred to the Committee on Finance.  
[Mr. Pendegast in the chair.]

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Irwin, by leave, presented a petition from citizens of Siskiyou County, in reference to destitute Indians in said county.

Received and laid on the table.

Mr. Irwin presented a joint resolution relative to the establishment of an Indian Reservation in Siskiyou County.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time and adopted.

Mr. Irwin presented a joint resolution relative to the appointment of a Commission to ascertain and report the amount of property destroyed by Captain Jack's band of Modocs, and to whom it belonged.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time and adopted.

Mr. Laine gave notice of an Act to reduce official salaries and the number of officers.

#### GENERAL FILE.

Senate Bill No. 73—An Act to provide for the payment of interest on Trustees' orders against certain swamp land districts.

Read third time and passed.

Assembly Bill No. 57—An Act granting leave of absence to Henry M. Isaacs, County Treasurer of Inyo County.

Considered in Committee of the Whole.

In Senate, read third time and passed.

Assembly Concurrent Resolution No. 13—The reestablishment of a daily mail route from Redding, via Shasta, Whiskytown, Tower House, French Gulch, Mountain House, Trinity Valley, Trinity Center, Carr's Ranch, New York House, Callaghan's Ranch, McBride's Ranch, Etna Mills, Crystal Creek, Scott Valley, Fort Jones, Gordon's Mills, and Forrest House, to Yreka.

Considered in Committee of the Whole.

In Senate, read third time and adopted.

Assembly Concurrent Resolution No. 5—To prevent granting subsidies to the San Joaquin and King's River Irrigation Company.

Considered in Committee of the Whole.

In Senate, read a third time and adopted. Title amendment approved.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 20th, 1874. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have approved Senate Bill No. 69—An Act to provide for the redemption of the outstanding bonds of Butte County.

Also, Senate Bill No. 38—An Act to provide for the appointment of additional Notaries Public in some of the counties of this State.

Also, Senate Bill No. 63—An Act to fix the terms of the County Court of Tulare County.

Also, Senate Bill No. 118—An Act amendatory of an Act making an appropriation for the capture of the bandit Vasquez and his band, approved January tenth, eighteen hundred and seventy-four.

NEWTON BOOTH,  
Governor.

At three o'clock and fifty minutes P. M., on motion of Mr. Tuttle, the Senate adjourned.

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IN SENATE.

SENATE CHAMBER,  
Tuesday, January 20th, 1874. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Leave of absence for two days was granted Mr. Garratt; and Messrs. McCune and Goodale were granted leave of absence for one day each.

PETITION.

Mr. Kent presented a petition from members of the Fire Department of Nevada County, in reference to the passage of a bill exempting all active members from poll or head tax.

Received, and referred to the Judiciary Committee.

## REPORTS.

Reports were made as follows:

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bill:

Senate Bill No. 138—An Act to amend section sixty-seven of the Code of Civil Procedure.

TUTTLE, for Committee.

By Mr. Perkins:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 104—"An Act for the relief of John Timmins."

Also, Senate Bill No. 135—An Act to amend an Act entitled "An Act for the relief of Morris Woolf, approved March fourth, eighteen hundred and seventy-three."

Have had the same under consideration, and respectfully report them back, and recommend their passage.

PERKINS, Chairman.

By Mr. Duffy:

MR. PRESIDENT: The Sacramento delegation, to whom was referred Senate Bill No. 36—"An Act supplementary to an Act, approved March thirtieth, eighteen hundred and seventy-two, entitled an Act to provide the City of Sacramento with a better supply of water"—report the same back, and recommend its passage.

EDGERTON,  
DUFFY.

The bill above reported was taken up, rules suspended, considered in Committee of the Whole.

In Senate, rules further suspended, considered engrossed, and by unanimous consent, read third time and passed.

By Mr. O'Connor—a report of the Special Committee of Investigation concerning the expulsion of Mr. Bell, the Reporter of the *San Francisco Daily Evening Post*.

Mr. Finney, by consent, offered a resolution providing that said special committee be required to send for persons and papers, and to administer oaths.

On motion of Mr. Edgerton, the whole matter was laid over, to come up as a part of the special order in reference to the same subject, set for one o'clock this day.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
January 20th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the sixteenth instant, passed Assembly Bill No. 68—

An Act for the relief of J. H. Adams, Sheriff of the County of Santa Clara.

Also, on the nineteenth instant, passed Assembly Bill No. 45—An Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy.

Also, adopted Assembly Concurrent Resolution No. 26—Requesting the Surveyor General and the Controller to furnish certain information concerning certain tide land districts.

Also, amended and passed Substitute for Senate Joint Resolution No. 4—To promote the interests of agriculture.

WEBBER, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 68, above reported, read first and second times, and referred to the Committee on Claims.

Assembly Bill No. 45, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Concurrent Resolution No. 26, above reported, read and adopted.

Substitute for Senate Joint Resolution No. 4, above reported, Assembly amendment to the resolution concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tuttle—An Act to establish a State Reformatory.

Read first and second times, and referred to the Committee on State Prison.

Also, proposed amendments to the Constitution.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Neff—An Act to establish a State Reformatory at San Quentin.

Read first and second times, and referred to the Committee on State Prison; and subsequently, on motion of Mr. Neff, ordered printed.

By Mr. Edgerton—An Act for the redemption of unsold and uncanceled stamps heretofore sold by the State of California.

Read first and second times, and referred to the Committee on Finance.

Also, an Act concerning the officers of the County of Sacramento, defining their duties and fixing their compensation.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Perkins—An Act relative to apprentices and masters.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Keys—An Act to provide for the sale of certain property belonging to the State.

Read first and second times, and referred to the Committee on Public Buildings.

By Mr. Kent—An Act exempting firemen of Nevada County from the payment of poll taxes.

Read first and second times, and referred to the Judiciary Committee.



Mr. Neff introduced a concurrent resolution, instructing our Senators and Representatives to oppose certain bills now pending in Congress.

Read first and second times, and referred to Committee on Mines and Mining Interests.

#### GENERAL FILE.

Assembly Bill No. 122—An Act providing for the refunding of the bonded indebtedness of the County of Santa Cruz.

Assembly Bill No. 95—An Act to change the orthography of the name of a town in Shasta County.

Assembly Bill No. 132—An Act amendatory of an Act entitled an Act relating to the Board of Supervisors of the Counties of Napa and Mendocino, approved April fourth, eighteen hundred and sixty-four, so far as the same applies to or affects Mendocino County.

Bills considered in Committee of the Whole.

In Senate, read a third time and passed.

#### RESOLUTION.

Mr. Irwin, by leave, offered a resolution, as follows:

*Resolved*, That the Committee on Contingent Expenses be and they are hereby directed to procure the Journal of the Senate to be copied and prepared for the State Printer, from day to day, during the session of the Legislature, at a cost not to exceed twelve and one half cents per folio; said copying to be computed by the Secretary of State, and the amount due therefor certified to the Controller, who shall draw his warrant for the same on the appropriation for contingent expenses of the Senate.

Adopted.

Mr. McCoy, by unanimous consent, was permitted to withdraw from the further consideration of the Senate Assembly Bill No. 44.

At twelve o'clock and five minutes P. M., on motion of Mr. Evans, the Senate took a recess until one o'clock P. M.

#### REASSEMBLED.

The Senate reassembled at one o'clock P. M.

The President in the chair.

Roll called, and a quorum present.

Mr. Neff, by leave, offered a resolution, as follows:

*Resolved*, That the Assembly be requested to return Senate Bill No. 46, to correct an error in the engrossment thereof.

Adopted.

On motion of Mr. Tuttle, Senate Bills Nos. 141 and 142, introduced by him to-day, were ordered printed.

Mr. Tuttle submitted a report, as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Joint Resolution No. 30—relative to the establishment of an Indian reservation in Siskiyou County.

Also, Senate Joint Resolution No. 31—relative to the appointment of a Commission to ascertain and report the amount of property destroyed by Captain Jack's band of Modocs, and to whom it belonged.

TUTTLE, for Committee.

At the request of Mr. Irwin, the petition presented by him on yesterday, in reference to an Indian reservation in Siskiyou County, was ordered transmitted to the Assembly with Senate Joint Resolution No. 30.

#### SPECIAL ORDER.

The special order, set for one o'clock P. M., was taken up: Report of Special Committee to investigate the charges against A. D. Bell, editorial correspondent of the *Daily Evening Post*:

MR. PRESIDENT: The undersigned special committee "appointed to investigate the matter of Mr. Bell's expulsion, and report such action as the committee might deem proper," submit to the Senate the following report: We have given the matter such attention as the means and time at our disposal would permit. The whole article that gave rise to the action of the Senate against Mr. Bell, and upon which the complaint of the joint Senator from San Mateo and San Francisco was based, is as follows:

#### "RUMORS OF INVESTIGATION.

"There are floating rumors among Republicans of a proposed investigation into some matters concerning Governor Booth's election to the United States Senate. They seem to be based on some statements made some days ago in the *Spirit of the Times*, Boruck's paper. Added to this, there is a report that the vote of the joint Senator for San Francisco and San Mateo was influenced by the receipt of a specific sum. On the other hand the Independents laugh at the whole matter as one of the preposterous jokes of the season, and say that if the straight-out Republicans were true Californians they would not squeal when they were hurt."

It will be observed that there are three points in the article, viz:

First—That there were floating rumors among Republicans of an investigation concerning Governor Booth's election, based on statements made in the "*Spirit of the Times*."

Second—That there was a report that the vote of the joint Senator from San Francisco and San Mateo was influenced by a specific sum.

Third—That the Independents laughed at the whole matter as a preposterous joke.

The first point is not made the subject of complaint, but the gravamen of the matter was made to rest on the second point. Your committee, after carefully considering the article, were unable to find that the writer made any charge against any one, or that by the language used he meant to give any credence to, or indorsement of, the report. The committee feeling, however, that it has grown too much into a habit, for persons writing for the press to fabricate rumors or reports, and then to disseminate them by means of the public print, to the injury of others, and deprecating such a practice as the prostitution of a high and honorable calling to base and wicked purposes, considered it to be their duty to ascertain if such a report as mentioned in the article was really afloat at the time of its publication, and was not a mere fabrication of

the writer of such article. From our investigation on that point we have learned that there was a report of that kind about the Capitol at the time, and it was not the mere fabrication of Mr. Bell; as to who started such report we have no means of knowing, nor do we think it, in the shape it has been presented, worthy of serious consideration by the Senate or any committee thereof. In the judgment of your committee, but one other point remained to be considered, viz: did Mr. Bell, although such a report was bruted about by some and laughed at by others as a joke or idle talk, publish it with an intent to injure, or in a spirit of ill will. The committee felt it to be their duty to investigate this point, knowing that publications of this kind, if passed unnoticed, often give a license to spleen and malice toward the feelings, impair the usefulness, and injure the reputation of persons in a covert and cowardly manner.

The result of our investigations on this point is that Mr. Bell was not actuated by bad feelings or improper motives. He seems to regret the publication, as it has had a different effect from that intended. It appears to have been his intention, in making the publication as he did, to mix the "poison with the antidote" in one cup, that they might neutralize each other. To use his own language, addressed to us: "I had no intention of injuring Senator Finney by mentioning what was so commonly rumored, nor had I any cause of ill will or hard feeling towards him. In my judgment, I was doing him a service by putting in print the rumor which was circulating privately to his injury, and connecting with it comments showing that the majority of the Legislature, and of the party with which he was acting, treated it with ridicule, and as the most preposterous joke of the season."

To sum up the whole matter, it is the opinion of the committee that the publication was injudicious, the action of the Senate thereon hasty, and that the reconsideration of expulsion was prudent.

We therefore recommend that the resolution of expulsion be not adopted.

The committee ask to be discharged from further consideration of the matter.

O'CONNOR, Chairman,  
McKUSICK,  
LAINE.

The report was received and adopted.

At one o'clock and forty-five minutes P. M., on motion of Mr. Neff, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER,  
Wednesday, January 21st, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Messrs. McCune and Goodale were granted indefinite leave of absence, on account of sickness.

## PETITION.

Mr. Lindsey presented a petition of citizens and taxpayers of the Town of Visalia, in reference to the incorporation of said town.

Received, and referred to the Committee on Corporations.

## REPORTS.

Reports were submitted as follows:

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 139—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirteenth, eighteen hundred and sixty-eight.

TUTTLE, for Committee.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Substitute for Senate Joint Resolution No. 4—to promote the interests of agriculture—and have presented the same to his Excellency this day.

McMURRY, Chairman.

By Mr. Pendegast:

MR. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 9—"An Act to provide for the assessment of incumbered real estate"—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 29—"An Act to amend section one hundred and ninety of the Penal Code, and to abolish capital punishment"—and report the same back, with the recommendation by the majority of the committee, that it do not pass.

Also, Senate Bill No. 30—"An Act concerning conveyances in the County of Santa Barbara"—and report the same back with a substitute.

The committee find that there are several conveyances of real estate in the County of Santa Barbara which are defective in execution and acknowledgment by reason of the fact, that the officer who took the acknowledgments and recorded the instruments, was also a party in interest, named in the bodies thereof. No questions have thus far arisen, and the possession of the grantees is quiet and peaceable. But the cloud exists, and as there seems to be no other method of removing it, and as there is no question as to the equities of the case, we recommend the adoption of the substitute.

Also, Senate Bill No. 66—"An Act to repeal sections six hundred and eighty-four and six hundred and eighty-five of the Political Code of the



State of California"—and report the same back, and recommend its passage.

Also, Senate Bill No. 77—"An Act to change the name of George W. Johnson to George W. Julian"—and report the same back with the recommendation that it do not pass, for the reason that the relief sought in this bill has been already provided for by the general law, which refers all such matters to the County Courts.

Also, Senate Bill No. 84—"An Act to amend section seven hundred and ninety-nine of the Political Code, in regard to the bonds of Notaries Public"—and report the same back and recommend its passage.

Also, Senate Bill No. 89—"An Act to amend certain sections of an Act entitled "An Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, concerning the publication of the reports of the Supreme Court of the State of California"—and report the same back with amendments, and recommend the adoption of the amendments and the passage of the bill.

PENDEGAST, Chairman.

By Mr. Beck:

MR. PRESIDENT: Your Committee on Mileage, to whom was referred Assembly Bill No. 31—"An Act to amend section one hundred and sixty-two of the Political Code—report the bill back, and recommend its passage.

BECK, Chairman.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on State and County Revenue have had under consideration Senate Bill No. 100—"An Act to amend an Act entitled "An Act to regulate the fees and salaries of officers and defining their duties, in the County of El Dorado, and other matters relating thereto," approved March fifth, eighteen hundred and seventy, approved March twenty-seventh, eighteen hundred and seventy-two—and now report the same back, and recommend its passage.

Also, Senate Bill No. 125—"An Act to make applicable to the County of Tulare an Act entitled "An Act to regulate the traveling fees of the Sheriff of the County of Kern," approved February twenty-first, eighteen hundred and seventy-two—and would report the same back, and recommend its passage.

O'CONNOR, Chairman.

On motion of Mr. Finney, Senate Bill No. 29, reported from the Judiciary Committee to-day, was taken up. The bill was made the special order for Tuesday next, at one o'clock P. M.

By Mr. DeHaven:

MR. PRESIDENT: The Del Norte delegation, to whom was referred Assembly Concurrent Resolution No. 12—relative to establishing the boundary line between Del Norte County, California, and Curry County, Oregon—now report the same back, and recommend its reference to the Committee on Federal Relations, the subject matter thereof being of general rather than local importance.

DEHAVEN, for Delegation.

The resolution was so referred.  
By Mr. Eakin:

MR. PRESIDENT: The Tuolumne delegation, to whom was referred Senate Bill No. 124—An Act to repeal an Act concerning roads and highways in Tuolumne County—report the same back with substitute, and recommend the adoption of the substitute.

EAKIN, for Delegation.

On motion of Mr. Evans, the rules were suspended, and the above reported bill taken up.

Substitute adopted, considered engrossed, read a third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. McCoy—An Act to cede to the City of San Diego certain tide and submerged lands in the Bay of San Diego.

Read first and second times, and referred to Committee on Judiciary.

By Mr. Bartlett—An Act creating a Board of Transportation Commissioners, and prescribing their duties and powers.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Beck—An Act concerning the office of County Assessor, fixing the terms thereof, and other matters relating thereto.

Read first and second times, and referred to the Committee on Judiciary.

By Mr. Hendricks—An Act to protect agriculture, and to allow districts to elect to come under its provisions.

Read first and second times, and referred to Committee on the Judiciary.

By Mr. Perkins—An Act supplementary to and amendatory of an Act entitled an Act to reincorporate the Town of Chico, Butte County, California, approved January eighth, eighteen hundred and seventy-two.

Read first and second times, and referred to delegation.

By Mr. Pendegast—An Act to amend the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 20th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Substitute for Assembly Concurrent Resolution No. 17—instructing our Senators and Representatives in Congress to oppose the passage of a certain bill pending in the Senate of the United States.

Also, Assembly Concurrent Resolution No. 20—relative to turning the San Diego River.

Also, Assembly Bill No. 62—An Act to repeal an Act entitled an Act to provide for the protection from overflow by Putah Creek of certain lands in the Counties of Yolo and Solano, approved April first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 76—An Act for the relief of William Rowland, Sheriff of Los Angeles County.

Also, indefinitely postponed Senate Bill No. 46—An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make general indices of the records, files, and minutes of the Supreme Court.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Substitute for Assembly Concurrent Resolution No. 17, above reported, read first and second times, and referred to the Committee on Public Lands.

Assembly Concurrent Resolution No. 20, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 62, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 76, above reported, read first and second times, and referred to the Committee on Claims.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were offered as follows:

By Mr. Lindsey:

*Resolved*, That the Sergeant at Arms be and he is hereby authorized and directed to provide a room, in some locality outside of this building, for the use of the Committees on Counties and County Boundaries, and on Public Lands, the expense of which shall be paid out of the appropriation for the contingent expenses of the Senate.

On motion of Mr. O'Connor, the resolution was referred to the Committee on Contingent Expenses.

By Mr. Neff:

*Resolved*, That the Committee on Public Buildings be and they are hereby requested to inquire into the expediency of converting the building known as the "Governor's Mansion" into a State Armory.

Adopted.

#### GENERAL FILE.

Senate Bill No. 104—An Act for the relief John Timmins.  
Considered in Committee of the Whole.

In Senate, on the engrossment of the bill, the ayes and noes were demanded by Messrs. Evans, McKusick, and Lindsey, and the Senate refused to order the bill engrossed, by the following vote:

**AYES**—Messrs. Beck, Boggs, Eakin, Edgerton, Fraser, Hendricks, Irwin, Keys, Martin, McCoy, McMurry, O'Connor, Perkins, Roach, Spencer, and Tuttle—16.

**NOES**—Messrs. Andross, Bartlett, Bush, Crane, Duffy, Dyer, Evans, Farley, Finney, Gibbons, Hopkins, Laine, Lindsey, McKusick, Neff, Pendegast, and Turner—17.

Senate Bill No. 135—An Act to amend an Act entitled an Act for the relief of Morris Woolf, approved March fourth, eighteen hundred and seventy-four.

Considered in Committee of the Whole.

In Senate, rules suspended, bill considered engrossed, read a third time and passed.

#### IN MEMORIAM.

Mr. Perkins, by leave, offered the following resolution:

*Resolved*, That when the Senate adjourns to-day, it adjourns to meet to-morrow at eleven o'clock A. M., as a tribute of respect to the memory of the late Senators Tompkins, Van Ness, and Boucher.

Adopted unanimously.

#### MESSAGE FROM THE ASSEMBLY.

On motion of Mr. McCoy, the following Assembly message was taken up:

ASSEMBLY CHAMBER,  
January 21st, 1874. }

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Concurrent Resolution No. 14—relative to coolie labor in this State.

Also, Assembly Bill No. 110—An Act to authorize the County Treasurer of San Diego County to pay off certain funded indebtedness of said county.

Also, Assembly Bill No. 123—An Act granting certain lands in the City of San Diego to San Diego Lodge, No. 35, Free and Accepted Masons, for cemetery purposes.

Also, Senate Bill No. 8—An Act to repeal an Act concerning roads in the Counties of Santa Barbara and San Luis Obispo, passed February twenty-first, eighteen hundred and seventy-two.

Also, concurred in Senate amendment to substitute for Assembly Concurrent Resolution No. 5—to prevent granting subsidies to the San Joaquin and Kings River Irrigating Company.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 14, above reported, read first and second times, and referred to the Committee on Federal Relations.

Assembly Bill No. 110, above reported, read first and second times, rules suspended, considered in Committee of the Whole.



In Senate, read a third time, by unanimous consent, and passed.

Assembly Bill No. 123, above reported, read first and second times, rules suspended, considered in Committee of the Whole.

In Senate, by unanimous consent, read a third time and passed.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. McKusick, Senate Bill No. 78 was taken from the table and recommitted to the Committee on Public Lands.

On motion of Mr. Pendegast, the rules were suspended to authorize the President to appoint the Senate Committee, as provided for in Assembly Concurrent Resolution No. 18—Relative to appointing a Joint Committee to take into consideration and report upon the necessity for a Convention to revise the State Constitution.

Mr. Finney gave notice that on to-morrow he would move to reconsider the vote whereby the Senate refused to order engrossed Senate Bill No. 104.

At one o'clock and three minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Thursday, January 22d, 1874. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### LEAVE OF ABSENCE.

Mr. Turner was granted leave of absence for one day.

#### PETITION.

Mr. Graves presented a petition from the citizens of San Luis Obispo County, for the passage of a law amendatory of the present "Trespass Act," in operation in a portion of said county.

Received, and referred to the Committee on Agriculture.

#### REPORTS.

Reports were submitted as follows:

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bill:

Senate Bill No. 36—An Act supplementary to an Act, approved March

thirtieth, eighteen hundred and seventy-two, entitled "An Act to provide the City of Sacramento with a better supply of water."

NEFF, Chairman.

By Mr. Graves:

MR. PRESIDENT: The Committee on Federal Relations, to which were referred Senate Concurrent Resolution No. 16—in regard to a proposed reciprocity treaty with Mexico; also, Assembly Concurrent Resolution No. 7—relative to granting pensions to the soldiers of the Mexican war of eighteen hundred and forty-six-seven, and eight; also, Assembly Concurrent Resolution No. 10—asking Congressional appropriation to improve the navigation of the San Joaquin River; also, Assembly Concurrent Resolution No. 12—relative to establishing the boundary line between Del Norte County, California, and Curry County, Oregon—having considered the same, report them back, and recommend their passage.

W. J. GRAVES, Chairman.

By Mr. Duffy:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 65—An Act to repeal the several special road laws in the County of Santa Clara—have had the same under consideration, and now beg leave to report the same back, and recommend its passage.

DUFFY, Chairman.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 8—An Act to repeal an Act concerning roads in the Counties of Santa Barbara and San Luis Obispo, passed February twenty-first, eighteen hundred and seventy-two—and have presented the same to his Excellency the Governor, for his approval, this day, at one o'clock and fifteen minutes, P. M.

McMURRY, Chairman.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on State and County Revenue, to whom was referred Senate Bill No. 13—An Act to separate the office of County Recorder from the office of County Clerk, in the County of Tulare—herewith report the same back with an amendment, and recommend its passage as amended.

O'CONNOR, Chairman.

By Mr. Graves:

MR. PRESIDENT: The delegation from Ventura County, to whom was referred Assembly Bill No. 104—An Act to reincorporate the Town of San Buenaventura, and approving certain ordinances and proceedings of the Town Trustees—report the same back and recommend its passage.

W. J. GRAVES, for Delegation.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Neff—Proposed amendment to section thirteen of Article V of the Constitution of this State.

Also, proposed amendment to section twenty-one of Article XI of the Constitution of this State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Graves—An Act to repeal an Act entitled an Act concerning service of summons upon absent defendants by publication, approved March fifteenth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Pendegast—An Act for the relief of John Hoagland and others

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gibbons—An Act to fix the salaries of certain officers in the County of Alameda, and for other purposes.

Read first and second times, and referred to the delegation.

The President appointed Messrs. Pendegast, Graves, and Evans the committee on the part of the Senate, under Assembly Concurrent Resolution No. 18, to take into consideration and report upon the necessity for a Convention to revise the State Constitution.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Finney, in accordance with previous notice, moved to reconsider the vote taken on yesterday, whereby the Senate refused to order engrossed Senate Bill No. 104—An Act for the relief of John Timmins.

Mr. Duffy moved to lay the motion to reconsider on the table.

On which the ayes and noes were demanded by Messrs. Evans, Lindsey, and Duffy, and the Senate refused, by the following vote:

AYES—Messrs. Bartlett, Crane, Duffy, Dyer, Evans, Gibbons, Graves, Hopkins, Keys, Laine, Lindsey, McKusick, Neff, and Tuttle—14.

NOES—Messrs. Beck, Boggs, Bush, DeHaven, Eakin, Edgerton, Finney, Garratt, Hendricks, Irwin, Martin, McCoy, McMurry, O'Connor, Pendegast, Perkins, Roach, and Spencer—18.

The motion to reconsider prevailed.

On ordering the bill engrossed, the ayes and noes were demanded by Messrs. Evans, Laine, and Duffy, and the Senate refused to, by the following vote:

AYES—Messrs. Beck, Boggs, Eakin, Edgerton, Finney, Garratt, Hendricks, Irwin, Kent, Martin, McMurry, O'Connor, Pendegast, Perkins, Roach, and Spencer—16.

NOES—Messrs. Bartlett, Bush, Crane, DeHaven, Duffy, Dyer, Evans, Farley, Gibbons, Graves, Hopkins, Keys, Laine, Lindsey, McKusick, Neff, and Tuttle—17.

On motion of Mr. Perkins, and by unanimous consent, Mr. Bartlett was added to the Committee on Claims.

Mr. McKusick offered a resolution, as follows:

*Resolved*, That the Chairmen of the several committees of the Senate are hereby requested to meet in the Senate Chamber this day, immediately after adjournment, for the purpose of arranging for the accommodation of the several committees of this body in the rooms of the Capitol building.

Adopted.

Mr. Pendegast, by leave, submitted the following report:

Mr. PRESIDENT: The Committee on Judiciary have had under consideration Assembly Bill No. 25—An Act to protect agriculture, and to prevent the trespassing of animals in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, and San Luis Obispo—and report the same back with amendments, and respectfully recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 91—An Act to authorize and provide for the publication of the Journals of the Senate and Assembly of the State of California—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 92—An Act to amend an Act entitled "An Act supplementary to an Act entitled an Act to provide for the incorporation of colleges," approved April twentieth, eighteen hundred and fifty, approved January eighth, eighteen hundred and seventy-two—and report the same back with the recommendation that it pass.

Also, Senate Bill No. 95—An Act to protect bona fide settlers upon public lands—and report the same back with an amendment, and respectfully recommend the adoption of the amendment and the passage of the bill as amended.

Also, Senate Bill No. 98—An Act to provide for the payment of certain bonds in the County of Lake—and report the same back, and recommend its passage.

Also, Senate Bill No. 111—An Act to amend section seventy-six of the Code of Civil Procedure—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 112—An Act to amend section fifty-eight of the Code of Civil Procedure—and report the same back, and recommend its passage.

Also, Assembly Bill No. 65—An Act to amend the Penal Code by adding a new section, to be known as section four hundred—and report the same back, and recommend its passage.

Also, Senate Bill No. 120—An Act to regulate the liabilities of hotel keepers, and to prevent fraud and fraudulent practices upon or by hotel keepers—and report the same back, and recommend that it do not pass.

PENDEGAST, Chairman.

Assembly Bill No. 25, above reported—"An Act to protect agriculture and to prevent the trespassing of animals in the Counties of Fresno, Tulare, Kern, Ventura, and Santa Barbara"—on motion of Mr. Pendegast, was taken up, under a suspension of the rules.

Considered in Committee of the Whole.



In Senate, amendments agreed to in Committee of the Whole, adopted. Read third time and passed. Title amended.

At one o'clock and ten minutes P. M., on motion of Mr. McKusick, the Senate took a recess until two o'clock P. M.

#### REASSEMBLED.

Two o'clock P. M., Senate reassembled.

President in the chair.

Roll called, and quorum present.

Mr. Edgerton gave notice that on to-morrow he would move to reconsider the vote by which the Senate passed Assembly Bill No. 25.

#### REPORT.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 53—entitled an Act to pay the claim of W. L. McEwen and C. F. Smith—and have presented the same to his Excellency the Governor, for his approval, at one o'clock and forty minutes P. M.

McMURRY, Chairman.

#### GENERAL FILE.

Senate Bill No. 9—An Act to provide for the assessment of incumbered real estate.

On motion of Mr. Evans, the bill was ordered to the top of the General File for Thursday next.

Senate Bill No. 30—An Act concerning conveyances in the County of Santa Barbara.

Considered in Committee of the Whole.

In Senate, ordered engrossed.

Senate Bill No. 66—An Act to repeal sections six hundred and eighty-four and six hundred and eighty-five of the Political Code of the State of California.

On motion of Mr. Edgerton, ordered to the top of the General File for Wednesday next.

Senate Bill No. 77—An Act to change the name of George W. Johnson to George W. Julian.

Report of the committee, "that the bill do not pass," adopted.

Senate Bill No. 84—An Act to amend section seven hundred and ninety-nine of the Political Code, in regard to bonds of Notaries Public.

Considered in Committee of the Whole.

In Senate, ordered engrossed.

Senate Bill No. 89—An Act to amend certain sections of an Act entitled an Act to establish a Political Code.

Recommitted to the Judiciary Committee.

[President pro tem. in the chair.]

Assembly Bill No. 31—An Act to amend a certain section of Volume I of the Political Code.

Recommitted to the Committee on Mileage.

Senate Bill No. 100—An Act to amend an Act entitled an Act to amend

an Act entitled an Act to regulate fees and salaries of officers, and defining their duties, in the County of El Dorado.

Considered in Committee of the Whole.

In Senate, rules suspended, considered engrossed, read third time and passed.

Senate Bill No. 125—An Act to make applicable to the County of Tulare an Act entitled an Act to regulate the traveling fees of the Sheriff of Kern County.

Considered in Committee of the Whole.

In Senate, rules suspended, considered engrossed, read third time and passed.

Senate Bill No. 102—An Act to change the name of C. A. Abbe, a minor, to C. A. Galusha—was withdrawn by Mr. Tuttle, by unanimous consent.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 22d, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 8—An Act to repeal an Act concerning roads in the Counties of Santa Barbara and San Luis Obispo, passed February twenty-first, eighteen hundred and seventy-two.

NEWTON BOOTH, Governor.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
January 22d, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Bill No. 53—An Act to pay the claim of W. L. McEwen and C. F. Smith.

Also, on this date, passed Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of *The People of the State of California v. Horace Smith*.

D. T. LOOFBOURROW,  
Chief Clerk.

Assembly Bill No. 33, above reported, read first and second times, and referred to the Committee on Claims.

At two o'clock and forty-five minutes P. M., on motion of Mr. Lindsey, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Friday, January 23d, 1874. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Messrs. Perkins and Laine were granted leave of absence for one day each.

## PETITION.

Mr. Farley presented a petition from citizens of Sutter Creek, Amador County, in reference to public school matters.

Received, and referred to the Committee on Education.

## REPORTS.

Reports were submitted as follows:

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 135—An Act to amend an Act entitled an Act for the relief of Morris Woolf, approved March fourth, eighteen hundred and seventy-two.

Also, Substitute for Senate Bill No. 124—An Act to repeal an Act concerning roads and highways in Tuolumne County.

NEFF, Chairman.

By Mr. Farley:

MR. PRESIDENT: The Committee on Corporations have had under consideration Assembly Bill No. 70—An Act to revise an Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two—report the same back and recommend its passage.

FARLEY, Chairman.

By Mr. Lindsey:

MR. PRESIDENT: Your committee to whom was referred Assembly Bill No. 87—An Act in relation to Swamp Land District Number One Hundred and Fifty—have had the same under consideration, and now report bill back, with a recommendation that it be referred to the Judiciary Committee.

LINDSEY, Chairman.

So referred.

By Mr. Roach:

Mr. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 81—An Act entitled an Act to declare Lake Earl, in Del Norte County, navigable;

Also, Assembly Concurrent Resolution No. 20—Relative to turning the San Diego River;

Have duly considered the same, and recommend their passage.

ROACH, Chairman.

On motion of Mr. McCoy, Assembly Concurrent Resolution No. 20, above reported, was taken up under a suspension of the rules, read a third time and passed.

By Mr. Irwin:

Mr. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill 137—entitled "An Act to amend section three thousand three hundred and eighty-two of the Political Code—have had the same under consideration, and now report it back, with the recommendation that it do pass.

IRWIN, for Committee.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 19—An Act to amend section four hundred and thirteen of the Political Code, so as to provide for sealed proposals for, and the award of contracts to supply fuel, lights, and stationery, for the State—and respectfully recommend that it lie on the table. The committee are in favor of the general idea contained in the bill; but are advised that another bill is pending before one of the Senate committees which arrives at the same result, in a manner more full and satisfactory to this committee than the bill herewith returned.

Also, Senate Bill No. 101—An Act to authorize the Town of Chico to acquire certain real estate—and report the same back, and recommend that it do not pass, on the ground that we question both the legislative power and the public policy of compelling a minority of the members of a company, whether incorporated or not, to sell their interest in the property of the company for a fixed price, at the behest of the majority.

Also, Senate Bill No. 134—An Act to amend section two hundred and seventy-seven of the Code of Civil Procedure—and report the same back, and recommend that it do not pass.

PENDEGAST, Chairman.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 23d, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-second instant, passed Assembly Concur-



rent Resolution No. 15—Relative to a survey of public lands in California.

Also, Substitute for Assembly Bill No. 35—An Act to amend section three thousand three hundred and eighty-five of the Political Code.

Also, Senate Bill No. 16—An Act directing the Controller to advertise in a newspaper published in the County of Stanislaus of the sale of certain lands, the title of which is vested in the State of California.

Also, Senate Bill No. 33—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of Los Angeles.

Also, amended and passed Senate Bill No. 39—An Act to amend an Act entitled an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the incorporated towns in this State, by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-eight.

Also, passed Senate Bill No. 97—An Act to amend an Act entitled an Act to empower the City of Stockton to fund its school debt and for school purposes, approved March twenty-sixth, eighteen hundred and seventy-two.

Also, Senate Bill No. 119—An Act granting leave of absence from the State to J. B. Scott, Sheriff of Alpine County.

Also, adopted Assembly Concurrent Resolution No. 28—To grant leave of absence to William Schneider.

Also, adopted Assembly Joint Resolution No. 29—Granting leave of absence to George J. Bennett, County Recorder of Contra Costa County.

Also, by resolution, invited the Senators and officers to attend a lecture to be delivered in the Assembly Chamber on Monday evening, January twenty-sixth, by the Hon. D. C. Gilman, President of the State University.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 15, above reported, read first and second times, and referred to the Committee on Public Lands.

Substitute for Assembly Bill No. 35, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 39, above reported, Assembly amendment to the bill concurred in.

Assembly Concurrent Resolution No. 28, above reported, on motion of Mr. Neff, the resolution was indefinitely postponed.

Assembly Joint Resolution No. 29, above reported, on motion of Mr. Irwin, the resolution was indefinitely postponed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Duffy—An Act to exempt certain persons from jury duty.  
Read first and second times, and referred to the Judiciary Committee.

By Mr. McKusick—An Act to prevent the sale of intoxicating beverages on election days.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Garratt—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Read first and second times, and referred to the San Francisco delegation.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Farley moved that the rules be suspended and that Assembly Bill No. 70—An Act to revise an Act entitled "An Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two"—be now taken up for consideration.

So ordered.

Considered in Committee of the Whole.

In Senate, read third time, and passed.

Mr. Edgerton, in pursuance to previous notice, moved to reconsider the vote whereby the Senate on yesterday passed Assembly Bill No. 25—An Act to protect agriculture, and to prevent the trespassing of animals in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Evans, Lindsey, and Bartlett, and the motion prevailed, by the following vote:

AYES—Messrs. Beck, Boggs, DeHaven, Duffy, Edgerton, Farley, Garratt, Graves, Hendricks, Irwin, Kent, McCoy, McKusick, McMurry, Neff, O'Connor, Roach, and Tuttle—18.

NOES—Messrs. Bartlett, Bush, Crane, Dyer, Eakin, Evans, Finney, Fraser, Gibbons, Hopkins, Keys, Lindsey, Martin, Pendegast, Spencer, and Turner—16.

Mr. Edgerton moved to place the bill at the top of the General File for to-morrow.

So ordered.

Mr. Finney offered a concurrent resolution, as follows:

*Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be authorized to fix the following title to Senate Bill No. 16, the same being omitted in the original bill: "An Act directing the Controller to advertise, in a newspaper published in the County of Stanislaus, the sale of certain lands, the title of which is vested in the State of California, and to sell said lands."*

Adopted.

By Mr. Tuttle:

*Resolved, That the State Treasurer be requested to report to the Senate, at his earliest convenience, the amount of money that has been paid into the State Treasury from the proceeds of the settlement of the estates of deceased persons, whose estates, by operation of law, have*

escheated to the State of California, and also the names of all such persons.

Adopted.

Mr. Edgerton moved to suspend the rules and take from the table Assembly Concurrent Resolution No. 22, providing for a joint committee to consider the memorial from the Woman's Suffrage Association of California.

Carried.

The resolution was adopted.

Mr. Kent, by leave, introduced a bill, as follows: An Act to provide for the payment of the principal and interest of California Indian war bonds numbers three hundred and forty-seven, three hundred and forty-eight, and three hundred and forty-nine.

Read first and second times, and referred to the Committee on Claims. By Mr. Bush:

*Resolved*, That the Committee on Hospitals be allowed a clerk, at the same per diem as clerks at the desk, payable out of the appropriation for the contingent expenses of the Senate; said clerk to be discharged so soon as the committee get through with their investigation.

Mr. Lindsey moved that the rules be suspended, to consider the resolution now, on which the ayes and noes were demanded by Messrs. McKusick, O'Connor, and Neff, and the motion prevailed by the following vote:

AYES—Messrs. Andross, Beck, Bush, Crane, Duffy, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Graves, Hendricks, Hopkins, Irwin, Keys, Lindsey, Martin, McCoy, McMurry, Neff, Pendergast, Roach, Spencer, Turner, and Tuttle—28.

NOES—Messrs. Dyer, McKusick, and O'Connor—3.

On the adoption of the resolution the ayes and noes were demanded by Messrs. McKusick, O'Connor, and Duffy, and it was adopted by the following vote:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, Duffy, Dyer, Eakin, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Hendricks, Hopkins, Irwin, Kent, Lindsey, Martin, McCoy, McMurry, Neff, Pendergast, Roach, Spencer, Turner, and Tuttle—29.

NOES—Messrs. McKusick and O'Connor—2.

On motion of Mr. Evans, the rules were suspended and the President authorized to appoint the Senate committee under Assembly Concurrent Resolution No. 22, to consider the memorial of the Woman's Suffrage Association of California, and the President subsequently appointed Messrs. Finney and Goodale as such committee.

At one o'clock P. M., on motion of Mr. Finney, the Senate took a recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M., the Senate reassembled.

The President in the chair.

Roll called, and a quorum present

## REPORT.

Mr. Duffy, by leave, submitted a report, as follows:

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 67—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Santa Anna River—have had the same under consideration, and now report the same back, and respectfully recommend its passage.

DUFFY, for Delegation.

On motion of Mr. Bush, the rules were suspended, and the above reported bill taken up.

Read a third time and passed.

## GENERAL FILE.

Senate Concurrent Resolution No. 16—Reciprocity Treaty with Mexico. Considered in Committee of the Whole.

In Senate, ordered engrossed.

Assembly Concurrent Resolution No. 7—Relative to granting pensions to the soldiers of the Mexican War.

Read a third time and adopted.

Assembly Concurrent Resolution No. 10—Asking Congressional appropriation to improve the navigation of the San Joaquin River.

Read a third time and adopted.

Assembly Concurrent Resolution No. 12—Relative to establishing the boundary line between Del Norte County, California, and Curry County, Oregon.

Laid on the table.

Senate Bill No. 65—An Act to repeal the several road laws in the County of Santa Clara, in the State of California.

Considered in Committee of the Whole.

In Senate, ordered engrossed.

Senate Bill No. 13—An Act to separate the office of County Recorder from the office of County Clerk in the County of Tulare.

Considered in Committee of the Whole.

In Senate, amendments agreed to in Committee of the Whole adopted, ordered engrossed.

Assembly Bill No. 104—An Act to reincorporate the Town of San Buenaventura, and approving certain ordinances and proceedings of the Town Trustees.

Considered in Committee of the Whole.

In Senate, read a third time, and passed.

Assembly Bill No. 91—An Act to authorize and provide for the publication of the Journals of the Senate and Assembly.

Laid over on the General File.



## REPORT.

Mr. McMurry submitted the following report:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bills Nos. 33, 97, and 119, and have presented the same to his Excellency the Governor, for his approval, this day, at one o'clock and thirty minutes P. M.

McMURRY, Chairman.

## GENERAL FILE RESUMED.

Senate Bill No. 92—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to provide for the incorporation of colleges.

Rules suspended, considered engrossed, read third time, and passed.

Also, Senate Bill No. 95—An Act to protect bona fide settlers upon public lands.

Considered in Committee of the Whole.

In Senate, reported with amendments.

Amendments agreed to in the Committee of the Whole adopted.

Ordered engrossed.

Subsequently, on motion of Mr. Turner, the rules were suspended, the bill considered engrossed, read third time, and passed.

Also, Senate Bill No. 98—An Act to provide for the payment of certain bonds in the County of Lake.

Ordered engrossed.

Also, Senate Bill No. 111—An Act to amend section seventy-six of the Code of Civil Procedure.

On motion of Mr. McMurry, the bill, together with Senate Bill No. 134, were ordered to the top of the General File for Friday next.

Also, Senate Bill No. 112—An Act to amend section fifty-eight of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, and passed.

Also, Assembly Bill No. 65—An Act to amend the Penal Code, by adding a new section, to be known as section four hundred.

Read third time, and passed.

Also, Senate Bill No. 120—An Act to regulate the liabilities of hotel keepers, etc.

Recommitted to the Judiciary Committee, to report a substitute for the bill.

By unanimous consent, Mr. Edgerton was permitted to take from the possession of the Senate, Assembly Bill No. 25, for examination.

Mr. Pendegast, by leave, offered the following resolution:

*Resolved*, That the Secretary of State be requested to furnish the Judiciary Committee with volumes forty-one, forty-two, forty-three, and forty-four, of California Reports.

Adopted.

At three o'clock and ten minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER. •  
 Saturday, January 24th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

Mr. O'Connor presented a petition from citizens of Grass Valley, Nevada County, in reference to a Local Option Law.

Received, and laid on the table.

## REPORTS.

Reports were submitted as follows:

By Mr. Graves:

MR. PRESIDENT: The Committee on Federal Relations, to which were referred Senate Joint Resolution No. 10—Relative to a proposed amendment to the Constitution of the United States, providing for the election of United States Senators by the people;

Also, Assembly Concurrent Resolution No. 9—on the same subject;

Having considered the same, report them back, with the recommendation that they do not pass.

W. J. GRAVES, Chairman.

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 84—An Act to amend section seven hundred and ninety-nine of the Political Code, in regard to bonds of Notaries Public.

Also, Substitute for Senate Bill No. 30—An Act concerning conveyances in the County of Santa Barbara.

NEFF, Chairman.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 39—entitled an Act to amend an Act entitled an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State, by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-eight—and have presented the same to his Excellency the Governor, for his approval, this day, at eleven o'clock A. M.

McMURRY, Chairman.

By Mr. Gibbons:

MR. PRESIDENT: The Committee on Education, to whom was referred Assembly Bill No. 64—entitled an Act for the relief of Round Valley School District, Inyo County—beg leave to report the same back, and recommend its passage.

GIBBONS, Chairman.

By Mr. Garratt:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 2—An Act to establish and maintain a training ship in the City and County of San Francisco—having had the same under consideration, report the same back, with amendments, and recommend its passage as amended.

GARRATT, Chairman.

On motion of Mr. Garratt, the above reported bill was referred to the Judiciary Committee, and ordered printed.

By Mr. McKusick:

MR. PRESIDENT: Your committee to whom was rereferred Senate Bill No. 78—An Act to repeal in part an Act entitled an Act to release the claim of the State of California to certain lands in township eleven (11), range four (4) east, Mount Diablo base and meridian, approved April first, eighteen hundred and seventy-two—have again carefully considered the same, and report it back, and respectfully recommend that it do not pass, for reasons assigned in former report.

McKUSICK, Chairman.

By Mr. McMurry:

MR. PRESIDENT: The Committee on Contingent Expenses, having had under consideration the application of the San Francisco delegation for a clerk, herewith report a resolution, and recommend the passage of the resolution:

*Resolved*, That the San Francisco delegation be allowed to appoint a clerk, at a per diem of five dollars, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 23d, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 53—An Act to pay the claim of W. L. McEwen and C. F. Smith.

NEWTON BOOTH,  
Governor.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 23d, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day passed Assembly Bill No. 108—An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization.

Also, Senate Concurrent Resolution No. 29—To secure the formation of a commission to adjust, settle, and fix the losses which certain claimants have sustained by reason of the action of the General Government in relation to certain lands in Solano County.

JOHN WEBBER,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 108, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Graves—An Act to incorporate the City of Santa Barbara.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Bartlett—An Act to prevent extortion and unjust discrimination in the rates charged for the transportation of passengers and freights on railroads and steamboats in this State, and to punish the same.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Irwin—An Act to provide for the establishment and government of a State Reform School.

Read first and second times, referred to the Committee on Education, and ordered printed.

By Mr. McKusick—An Act in relation to the care of orphan and abandoned children.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Tuttle—An Act to amend the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were offered as follows:

By Mr. Pendegast:

*Resolved*, That the Sergeant-at-Arms of the Senate be and he is hereby allowed two dollars per diem, from December first, eighteen hundred and



seventy-three, to the close of the present session of the Legislature, payable out of the appropriation for the contingent expenses of the Senate.

On motion of Mr. Duffy, the rules were suspended and the resolution was adopted.

By Mr. Gibbons:

A concurrent resolution relative to the establishment of a penal colony in Alaska.

Read first and second times, and referred to the Committee on Federal Relations.

By Mr. Roach:

*Resolved*, That the Postmaster of the Senate be directed to inquire why letter postage, instead of the newspaper rates, is charged on printed matter sent from the Senate through the mails.

Adopted.

#### GENERAL FILE.

Assembly Bill No. 25—An Act to protect agriculture and prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Santa Barbara, San Luis Obispo, and Monterey.

Amendments to sections eleven and twelve of the bill were adopted.

Mr. Edgerton offered the following:

Amend by adding to the words "on the first day of July, eighteen hundred and seventy-four," in the amendment to the last amendment but one to said section twelve, the following words, viz:

"Provided, that as to all lands and parcels of land in the County of Fresno, situate west of the San Joaquin Valley Railroad, and south of the San Joaquin River, and east of said railroad, and south of King's River, not cultivated, this Act shall not take effect and be in force until the first day of November, eighteen hundred and seventy-four."

On the adoption of which, the ayes and noes were demanded by Messrs. Evans, Lindsey, and Fraser, and it was adopted, by the following vote:

**AYES**—Messrs. Andross, Beck, Boggs, Duffy, Edgerton, Farley, Garratt, Graves, Hendricks, Hopkins, Irwin, Kent, McCoy, McKusick, McMurry, O'Connor, Perkins, and Tuttle—18.

**NOES**—Messrs. Bartlett, Bush, Crane, Dyer, Eakin, Evans, Finney, Fraser, Gibbons, Keys, Lindsey, Martin, Neff, Pendegast, Roach, Spencer, and Turner—17.

The bill was further amended, read a third time, and passed.

Assembly Bill No. 81—An Act to declare Lake Earl, in Del Norte County, navigable.

Read a third time and passed.

Senate Bill No. 137—An Act to amend section three thousand three hundred and eighty-two of the Political Code.

Rules suspended, considered engrossed, read a third time, and passed.

Senate Bill No. 19—An Act to amend section four hundred and thirteen of the Political Code.

The report of the committee, that the bill be laid on the table, adopted.

Senate Bill No. 91—An Act to authorize and provide for the publication of the Journals of the Senate and Assembly.

Laid over on the General File.

Senate Bill No. 101—An Act to authorize the Town of Chico to acquire certain real estate.

Recommendation of the committee that the bill do not pass, adopted.

Mr. Duffy moved that when the Senate adjourn to-day, it adjourn to meet again on Monday next, at two o'clock and thirty minutes P. M.

Carried.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 24th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Substitute for Assembly Bill No. 23—An Act granting certain tide lands to the City of Oakland.

Also, Senate Bill No. 138—An Act to amend section sixty-seven of the Code of Civil Procedure.

Also, adopted Senate Joint Resolution No. 33—relative to inserting title in Senate Bill No. 16.

Also, that the Speaker appointed Messrs. Aldrich, Coggins, and Higbie a committee, on the part of the House, under Assembly Concurrent Resolution No. 22, relative to woman's suffrage.

JOHN WEBBER,  
Assistant Clerk.

Substitute for Assembly Bill No. 23, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 24th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 97—An Act to amend an Act entitled an Act to empower the City of Stockton to fund its school debt, and for school purposes, approved March twentieth, eighteen hundred and seventy-two.

Also, Senate Bill No. 33—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of Los Angeles.

NEWTON BOOTH, Governor.

## REPORT.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Concurrent Resolution No. 29—To secure the formation of a commission to adjust, settle, and fix the losses which certain claimants have sustained by reason of the action of the General Government in relation to certain lands in Solano County—and have presented the same to his Excellency the Governor, this day, at eleven o'clock A. M.

McMURRY, Chairman.

On motion of Mr. Bush, the Committee on Hospitals were granted leave of absence for three days.

At one o'clock and ten minutes P. M., on motion of Mr. Duffy, the Senate adjourned.

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IN SENATE.

SENATE CHAMBER,  
Monday, January 26th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of Saturday last read and approved.

Messrs. Garratt and Roach were granted leave of absence for one day each.

COMMUNICATION FROM THE STATE CONTROLLER.

The President presented a communication from the State Controller:

OFFICE OF CONTROLLER OF STATE,  
SACRAMENTO (Cal.), January 26th, 1874. }

To Hon. R. PACHECO, *President of the Senate*:

In compliance with a resolution passed by the Senate, January twenty-third, eighteen hundred and seventy-four, requesting a statement of the amount of money paid into the State Treasury from the proceeds of the settlement of the estates of deceased persons, that have escheated to the State, I herewith transmit to the Senate the accompanying report. This is all the information that can be obtained from the books of this office. I have the honor to be,

Very respectfully,

JAMES J. GREEN,  
Controller of State.

On motion of Mr. Tuttle, the communication was received and the report ordered printed.

## PETITIONS.

Mr. Dyer presented a petition from citizens in Calaveras County, in reference to School Trustees.

Received, and referred to the Committee on Education.

## REPORTS.

Reports were submitted as follows:

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills: Senate Bill No. 125—An Act to make applicable to the County of Tulare an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two.

Also, Senate Bill No. 100—An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the fees and salaries of officers, and defining their duties, in the County of El Dorado, and other matters relating thereto, approved March fifth, eighteen hundred and seventy, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, Senate Bill No. 95—An Act to protect bona fide settlers upon public lands.

TUTTLE, for Committee.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 16—An Act directing the Controller to advertise, in a newspaper published in the County of Stanislaus, of the sale of certain lands, the title to which is vested in the State of California, and to sell said lands.

Also, Senate Bill No. 138—An Act to amend section sixty-seven of the Code of Civil Procedure.

And have presented the same to his Excellency the Governor, for his approval, this day, at two o'clock and twenty minutes P. M.

McMURRY, Chairman.

By Mr. Perkins:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State—have had the same under consideration, and respectfully report it back with substitute, and recommend the passage of the substitute.

PERKINS, Chairman.

By Mr. Beck:

MR. PRESIDENT: Your Committee on Mileage, to whom was referred Assembly Bill No. 31—An Act to amend section one hundred and sixty-two of the Political Code—report the bill back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

BECK, Chairman.



By Mr. Hendricks:

MR. PRESIDENT: The Committee on Mines and Mining, to whom was referred Senate Concurrent Resolution No. 32—instructing Senators and Representatives to oppose the passage of certain bills pending in Congress—beg leave to report the same back and recommend that it do pass.

HENDRICKS, Chairman.

By Mr. Duffy:

MR. PRESIDENT: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 45, have had the same under consideration, now report the same back with an amendment, and recommend the passage of the bill as amended.

LINDSEY, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Edgerton—An Act authorizing and requiring the State Treasurer to commence and prosecute civil actions, on behalf of the State of California, against certain persons therein named.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Keys—An Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California.

Read first and second times, and referred to the delegation named in the bill.

By Mr. Crane—An Act to fix the salaries and compensation of certain officers in Yuba County.

Read first and second times, and referred to delegation named in the bill.

By Mr. Neff—An Act to add a new section to the Penal Code.

Read first and second times, and referred to Judiciary Committee, and ordered printed.

By Mr. DeHaven—An Act to incorporate the City of Eureka.

Read first and second times, and referred to Committee on Corporations.

By Mr. Pendegast—An Act to reorganize the Board of Supervisors of Napa County, and for other purposes.

Read first and second times, and referred to delegation named in the bill.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were offered as follows:

By Mr. Neff:

WHEREAS, Senator Goodale, a member of the Committee on Contingent Expenses, is lying dangerously ill, and may not be able to resume his duties during the present session of the Legislature; therefore, be it

*Resolved*, That Senator McKusick be and is hereby added to the Committee on Contingent Expenses.

Rules suspended, and the resolution adopted.

By Mr. Duffy:

*Resolved*, That P. J. Brogan be and he is hereby appointed Porter for the Senate galleries, at a per diem of four dollars, payable out of the appropriation for the contingent expenses of the Senate.

Referred to the Committee on Contingent Expenses.

By Mr. Irwin: A joint resolution asking for the repeal of the Act of Congress fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress.

Read first and second times, and referred to Committee on Elections.

By Mr. Edgerton, a concurrent resolution, as follows:

*Resolved by the Senate, the Assembly concurring*, That a committee of three from each House be appointed respectively by the President and Speaker, to receive proposals and award the contract for translating into Spanish the laws of the present session of the Legislature.

Adopted.

On motion of Mr. Farley, the rules were suspended and Senate Concurrent Resolution No. 32, was taken up: "Instructing our Senators and requesting our Representatives in Congress to oppose the passage of certain bills pending in Congress."

Rules suspended, considered engrossed, read third time and adopted.

#### GENERAL FILE.

Substitute for Senate Bill No. 30—An Act concerning conveyances in the County of Santa Barbara.

Also, Senate Bill No. 84—An Act to amend section seven hundred and ninety-nine of the Political Code, in regard to bonds of Notaries Public.

Read third time and passed.

Assembly Concurrent Resolution No. 9—relative to the election of United States Senators.

Also, Senate Joint Resolution No. 10—relative to an amendment to the Constitution of the United States.

Ordered to the top of file for Thursday next.

Assembly Bill No. 64—for the relief of Round Valley School District, Inyo County.

Read third time and passed.

Senate Bill No. 78—An Act to repeal in part an Act entitled an Act to release the claim of the State of California to certain lands in township eleven, range four east, Mount Diablo base and meridian.

Referred to the Judiciary Committee.

Senate Bill No. 91—An Act to authorize and provide for the publication of the Journals of the Senate and Assembly.

Passed on file.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 26th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate

Bill No. 39—An Act to amend an Act entitled an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-eight.

NEWTON BOOTH, Governor.

At three o'clock and twenty minutes P. M., on motion of Mr. Neff, the Senate adjourned.

### IN SENATE.

SENATE CHAMBER,  
Tuesday, January 27th, 1874. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

### REPORTS.

Reports were submitted as follows:

By Mr. Perkins:

Mr. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 126—"An Act to appropriate money to pay the claim of George A. Blanchard"—have had the same under consideration, and respectfully report it back, with the recommendation that it pass.

Also, have had under consideration, Assembly Bill No. 68—"An Act for the relief of J. H. Adams, Sheriff of the County of Santa Clara"—and Assembly Bill No. 76—"An Act for the relief of William Rowland, Sheriff of Los Angeles County." Both of these claims are for services rendered, and moneys expended by the Sheriffs of Santa Clara and Los Angeles Counties, in the detection and capture of criminals who had committed depredations in those and adjourning counties. From the vouchers and accompanying data, we are fully of the opinion that the sums named were actually expended in the pursuit of the Vasquez gang and other desperadoes, and indeed, with some show of necessity; yet, when we consider, when recommending the passage of these bills, a precedent for future legislation of like character, which would prove very detrimental to the financial interest of the State, as there are many other Sheriffs who say that they have manifested the same zeal in the discharge of that which they thought only their duty, and should not go unrewarded if these bills become a law, we, therefore, respectfully report the bills back, without recommendation.

PERKINS, Chairman.

By Mr. Turner:

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the contested election, *Gildea v. Fraser*, have had the same under consideration, and beg leave to submit the following report:

At the general election held in El Dorado County, September third, A. D. eighteen hundred and seventy-three, Thomas Fraser, the sitting member, received one thousand and twenty-seven votes for the office of State Senator, against nine hundred and thirty-nine for Charles Gildea, for the same office, and to the said Fraser certificate of election was issued.

On the thirtieth of September, same year, one A. A. Brown filed with the County Clerk of said county notice of contesting the election of the said Fraser, on behalf of the said Gildea, together with statement of cause for said contest, to wit: charging, first, that the ballots voted and counted for Fraser were in fraudulent violation of the election laws of the State; and, second, that unqualified electors voted for him in sufficient number to invalidate his election. By mutual consent of the contesting parties the first charge only (that of the illegality of the ballots) was considered by your committee. By agreement, a ballot admitted to be a fac simile of the ballots used at said election, on which the name of Thomas Fraser appears, and of which he received at least nine hundred, was submitted to two printing experts, called and sworn for that purpose, whose testimony, together with the ballot, is herewith submitted. From the evidence given by said experts it appears that the ballot is, in many respects as to its printing, in violation of the provisions of the Code, that the type prescribed by law was not used, and the spacing and leading arbitrary and illegal. No question of fact, other than the one relating to the printing of the ballots, has been raised in this issue, and that resolves itself into a question of law. How far the elector may disregard the law in this matter, and still be entitled to the counting of his vote, is a question the committee have not thought proper for them to decide, and therefore submit the whole matter to the Senate without recommendation.

TURNER, Chairman.

On motion of Mr. Turner, the testimony accompanying the report was ordered printed.

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 13—An Act to separate the office of County Recorder from the office of County Clerk, in the County of Tulare.

Also, Senate Bill No. 112—An Act to amend section fifty-eight of the Code of Civil Procedure.

Also, Senate Concurrent Resolution No. 16—Reciprocity Treaty with Mexico.

NEFF, Chairman.

By Mr. Crane:

MR. PRESIDENT: Your committee to whom was referred Senate Bill No. 171—An Act to fix the salaries and compensations of certain officers



of Yuba County—respectfully report the same back, and recommend its passage.

CRANE,  
SPENCER,  
Delegation.

By Mr. Keys:

Mr. PRESIDENT: The Merced delegation, to whom was referred Senate Bill No. 170—An Act entitled an Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California—report the same back, and recommend its passage.

KEYS, of Delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bartlett—An Act to amend section twelve hundred and seventy-five of the Civil Code.

Read first and second times, rules suspended, considered in Committee of the Whole.

In Senate, by unanimous consent, considered engrossed, read third time and passed, and ordered transmitted immediately to the Assembly.

By Mr. Fraser—An Act to amend sections thirty-seven hundred and forty-six, thirty-seven hundred and forty-nine, and to repeal sections thirty-seven hundred and forty-seven, thirty-seven hundred and forty-eight of the Political Code, of the State of California.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State.

On motion of Mr. Pendegast, ordered to top of General File for Friday next.

Assembly Bill No. 31—An Act to amend a certain section of Volume One of the Political Code.

Amendment adopted, read third time, and passed.

Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy.

Amendment adopted.

On motion of Mr. Bartlett, the bill was ordered to the top of the file for Thursday next.

Senate Bill No. 91—An Act to authorize and provide for the publication of the Journals of the Senate and Assembly.

[Mr. Evans in the chair.]

On the adoption of the recommendation of the committee that the bill "do not pass," the ayes and noes were demanded by Messrs. Farley, Neff, and Fraser, and it was so ordered by the following vote:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Hopkins, Irwin, Keys, Lindsey, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Spencer, Turner, and Tuttle—30.

NOES—Mr. Laine—1.

#### ASSEMBLY MESSAGE.

On motion of Mr. Bartlett, the following Assembly message was taken up:

ASSEMBLY CHAMBER,  
January 27th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended and passed Senate Bill No. 175—An Act to amend section twelve hundred and seventy-five of the Civil Code.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 175, above reported; the Assembly amendment to the bill was concurred in.

#### SPECIAL ORDER.

Senate Bill No. 29—special order set for this day, at one o'clock P. M.—An Act to amend section one hundred and ninety of the Penal Code, and to abolish capital punishment—on motion of Mr. Finney, was, under a suspension of the rules, postponed and made the special order for Tuesday, February third, at one o'clock P. M. •

At twelve o'clock and thirty-five minutes P. M., on motion of Mr. Pendegast, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER,  
Wednesday, January 28th, 1874. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### REPORTS.

Reports were submitted as follows:

By Mr. Perkins:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 22—An Act to provide for the payment of the claim of

C. Feldhusend. This claim now calls for fourteen thousand five hundred and twenty-four dollars, being for the payment (interest added) of warrant number six hundred and thirteen, drawn December fourth, eighteen hundred and fifty-five, in favor of G. D. Bliss & Co., for six thousand eight hundred and fifty-one dollars and forty-seven cents, for supplies furnished the State Prison. Your committee find, upon examination, that the same has been twice before the Legislature: first in the year eighteen hundred and fifty-eight, when the Committee on Claims, to whom it was referred, recommended, after taking testimony, that the sum of three thousand six hundred and forty-eight dollars and thirty-eight cents be audited and allowed for the claims (Statutes of 1858, p. 316); and bonds numbers one thousand two hundred and thirty-eight, one thousand two hundred and thirty-nine, one thousand two hundred and forty, and one thousand two hundred and forty-one of eighteen hundred and fifty-seven, were issued for this amount; and it evidently was the intention of the Legislature of eighteen hundred and fifty-eight that this should be in full payment of the claim. The warrant should have been delivered to the State Treasurer and canceled. The claimant succeeded in either retaining or regaining possession of the warrant, and in the year eighteen hundred and sixty-one applied to the Legislature for the balance—three thousand two hundred and three dollars and nine cents. The committee were divided, the majority reporting in favor, and the minority against paying the balance, claiming that it was the intention of the Legislature of eighteen hundred and fifty-eight that the sum allowed and accepted was in full payment for the warrant, and it (the warrant) was then the property of the State. The majority report was adopted, auditing and allowing G. D. Bliss & Co. the sum of three thousand two hundred and three dollars and nine cents (Statutes of 1861, p. 364); provided, that the Treasurer of State should not deliver to said G. D. Bliss & Co. bonds for that amount, until the warrant had been surrendered to the Controller of State to be canceled. Bonds numbers two hundred and twelve, two hundred and thirteen, and two hundred and fourteen of eighteen hundred and sixty, were delivered to the attorney of Bliss. The reputation of the then Treasurer of State is too well established, as a careful business man, to admit of doubt but that he had evidence that the warrant was in the possession of the Controller, as requested by the Act, before the bonds were delivered. It is the opinion of your committee that the warrant number six hundred and thirteen, the one under consideration, was clandestinely taken from the Controller's office, and that it is the property of the State, and that the holder should be requested and compelled to deliver the same to the Controller to be canceled. Your committee recommend that the bill be indefinitely postponed.

PERKINS, Chairman.

By Mr. Pendegast:

MR. PRESIDENT: The Committee on Judiciary have had under consideration Assembly Bill No. 87—An Act in relation to Swamp Land District Number One Hundred and Fifty—and report the same, back, and recommend that it do not pass.

The majority of the committee find, from the facts submitted to them, that the Board of Supervisors of Yolo County never had jurisdiction of the subject matter of the formation of Swamp Land District Number One Hundred and Fifty.

The petitioners for said district claim, and their whole petition and

all their proceedings are based upon the assumption that the territory thereof is a portion of the preëxisting District Number Eighteen, organized under the statute of eighteen hundred and sixty-one. We are not certain that said District Number Eighteen had any substantial existence at the time the petition in question was framed and presented; but, for the purposes of the argument, we admit that it had. In cases where it is sought under the Act of March twenty-eighth, eighteen hundred and sixty-eight, to erect a district within the limits of one already formed under preëxisting laws, it is, by section forty-five of said Act, made a condition precedent to an order by the Board creating the sub-district, that the indebtedness of the old district, if any, shall be ascertained, and that proportion which properly attaches to the new district be paid by the petitioners therefor. It is admitted here, that District Eighteen owed a debt, and it is not pretended that the petitioners for Number One Hundred and Fifty paid any part of the same, either before or since the order of the Supervisors purporting to create the same.

We hold that the Legislature has no power to correct a defect in proceedings which were at least quasi-judicial in their character, when there was a want of jurisdiction in the Board to pursue such proceedings. We see and make a clear distinction between formal or technical defects in proceedings, and proceedings which are totally void for want of jurisdiction.

Also, Senate Bill No. 58—An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road on the Yosemite Grant—and report the same back with an amendment, and recommend the adoption of the amendment.

To the legal question submitted to the committee, a majority thereof reply: That the Legislature has the power to grant by enactment the privileges and franchises sought by this bill. As to the propriety or public policy of such legislation, we make no suggestion.

Also, Senate Bill No. 131—An Act to fix the salary of County Judges in the Counties of San Diego and San Bernardino—and report the same back, and recommend its passage.

PENDEGAST, Chairman.

By Mr. Pendegast:

A report from the majority of the Judiciary Committee, to whom was referred Senate resolution of inquiry in the matter of the State Board of Examiners. Report the same back to the Senate, with the result of their deliberations.

On motion of Mr. Pendegast, the report was laid on the table and ordered printed.

By Mr. Bush:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Concurrent Resolution No. 32—instructing Senators and Representatives to oppose the passage of certain bills pending in Congress.

Also, Senate Bill No. 98—An Act to provide for the payment of certain bonds in the County of Lake.

BUSH, for Committee.



By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 139—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirteenth, eighteen hundred and sixty-eight;

Also, Senate Joint Resolution No. 30—relative to the establishment of an Indian Reservation in Siskiyou County;

And have presented the same to his Excellency, this day at eleven o'clock and twenty minutes A. M.

McMURRY, Chairman.

Mr. Graves was granted leave of absence for one day.

By Mr. O'Connor:

Mr. PRESIDENT: The Nevada delegation, to whom was referred Assembly Bill No. 119—An Act for the protection of game in Nevada County—have had the same under consideration, and report the same back and recommend its passage.

O'CONNOR, for Delegation.

By Mr. Irwin:

Mr. PRESIDENT: Your Committee on Finance, to whom was referred Senate Joint Resolution No. 23—Proposing an amendment to section thirteen, Article Eleven of the Constitution of this State—have had the same under consideration, and recommend that it pass.

IRWIN, Chairman.

By Mr. McCune:

Mr. PRESIDENT: Your delegation to whom was referred Assembly Bill No. 103, would respectfully report that they have carefully examined said bill, and recommend its passage.

H. E. McCUNE.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
January 27th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-sixth instant, passed Senate Bill No. 139—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight.

Also, that the House refused to pass Senate Bill No. 73—An Act to provide for the payment of interest on Trustees' orders against certain swamp land districts.

Also, on this day, adopted Senate Joint Resolution No. 36—relative to translating the laws—and that Messrs. Amerman, Rogers, and Stowers have been appointed as the committee on the part of the House, under said resolution.

Also, passed Senate Joint Resolution No. 30—relative to the establishment of an Indian Reservation in Siskiyou County.

Also, refused to pass Senate Bill No. 37—An Act to amend an Act entitled an Act to establish and maintain a Dispensary in the City of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Also, on the twenty-third instant, passed Assembly Concurrent Resolution No. 24—relative to instructing our Senators in Congress to oppose the passage of any law giving to railroad companies or corporations titles to any lands, whether agricultural or mineral.

Also, Substitute for Assembly Bill No. 58—An Act to enable the Board of Supervisors of Alameda County to erect county buildings in certain localities.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
January 28th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-sixth instant, refused to concur in Senate amendments to section twelve of Assembly Bill No. 25—An Act to protect agriculture, and to prevent the trespassing of animals upon private property, in the Counties of Fresno, Tulare, and Kern.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 24, above reported, read first and second times and referred to the Committee on Corporations.

Substitute for Assembly Bill No. 58, above reported, read first and second times; on motion of Mr. Gibbons, the rules were suspended to place the bill on its final passage; by unanimous consent, read third time and passed.

Assembly Bill No. 25, above reported, the Assembly having refused to concur in Senate amendment to section twelve of the bill, Mr. Edgerton moved to pass the bill on the file until Friday.

Lost.

On the question, Will the Senate adhere to its amendment, as follows: Amend by striking out the words "twentieth day of February," and inserting the "first day of March." The Senate receded from its amendment, on the amendment to "Amend the last amendment but one to section twelve, which provides that said Act shall take effect in the Counties of San Luis Obispo and Monterey, on the first day of May, eighteen hundred and seventy-four, by striking out the word "May," after the words "Monterey, the first day of," and inserting the word "July."

The Senate refused to recede on the amendment, as follows: "Amend further, by inserting after the words 'shall take effect, in the remaining portions of said Counties of Tulare and Kern, on the first day of November, A. D. eighteen hundred and seventy-four, and in the Counties of San Luis Obispo and Monterey, on the first day of May, eighteen hundred and seventy-four.'"

The Senate refused to recede on the amendment, as follows: Amend by adding to the words "on the first day of July, eighteen hundred and seventy-four," in the amendment to the last amendment but one to said section twelve, the following words, to wit:

"*Provided*, That as to all lands and parcels of lands in the County of Fresno, situate west of the San Joaquin Valley Railroad, and south of the San Joaquin River, and east of said railroad, and south of Kings River, not cultivated, the Act shall not take effect and be in force until the first day of November, eighteen hundred and seventy-four."

On the question of adhering to the amendment, the ayes and noes were demanded by Messrs. Keys, O'Connor, and Lindsey, and the Senate receded from the amendment by the following vote:

**AYES**—Messrs. Bush, Crane, Dyer, Eakin, Evans, Fraser, Garratt, Gibbons, Keys, Lindsey, Martin, McCoy, Neff, Pendegast, Roach, Spencer, and Turner—17.

**NOES**—Messrs. Andross, Bartlett, Beck, Boggs, Edgerton, Hendricks, Hopkins, Irwin, Kent, Laine, McCune, McKusick, McMurry, O'Connor, Perkins, and Tuttle—16.

Mr. Lindsey moved that a Committee of Conference, consisting of three on the part of the Senate, be ordered, to consider the disagreeing vote on the amendments to the bill.

So ordered.

Subsequently, on motion of Mr. Pendegast, the rules were suspended and the President authorized to appoint said committee.

The President appointed as such committee, Messrs. Lindsey, O'Connor, and Gibbons.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. McKusick—Amendment to section ten, Article Eleven of the Constitution.

Read first and second times and referred to the Judiciary Committee.

By Mr. Boggs—An Act to provide for the proper distribution in the several County Treasuries, of funds arising from the sale of swamp lands.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Pendegast—An Act for the relief of Richard Palmer.

Read first and second times and referred to the Committee on Claims.

By Mr. Laine—Proposed amendment to Article Nine of the Constitution.

Read first and second times and referred to the Judiciary Committee.

By Mr. Roach—An Act for the relief of E. Servatius.

Read first and second times and referred to Judiciary Committee.

Bills were subsequently introduced, by leave, as follows:

By Mr. Keys—An Act to provide for the building of a school house in Oak Dale School District, in the County of Stanislaus.

Read first and second times, and referred to delegation.

By Mr. Duffy—An Act to change the present boundaries of the City of Sacramento.

Read first and second times, and referred to the delegation.

Also, an Act to remove from Henry Meiggs certain disabilities.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were offered as follows:

By Mr. Bartlett:

*Resolved by the Senate, the Assembly concurring,* That the Governor be requested to return to the Senate, Senate Bill No. 175—"An Act to amend section twelve hundred and seventy-five of the Civil Code."

Adopted.

By Mr. Boggs:

*Resolved,* That that portion of the Governor's Message relating to outstanding Controller's warrants, drawn upon the several Swamp Land District Funds, be referred to the Committee on Finance, with instructions to report a bill to provide for their funding or payment.

Adopted.

Mr. Edgerton offered a resolution to authorize the Committee on State Prison to appoint a clerk.

Referred to the Committee on Contingent Expenses.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled, Senate Bill No. 175—entitled an Act to amend section twelve hundred and seventy-five of the Civil Code—and presented the same to his Excellency the Governor, for his approval, January twenty-seventh, eighteen hundred and seventy-four, at one o'clock and twenty minutes P. M.

McMURRY, Chairman.

GENERAL FILE.

Senate Bill No. 66—An Act to repeal sections six hundred and eighty-four and six hundred and eighty-five of the Political Code of the State of California.

Amendment adopted, and ordered engrossed.

Senate Bill No. 13—An Act to separate the office of County Recorder from the office of County Clerk, in the County of Tulare.

Read third time, and passed.

Senate Concurrent Resolution No. 16—Reciprocity Treaty with Mexico.

Read third time, and adopted.

Senate Bill No. 126—An Act to appropriate money to pay the claim of George A. Blanchard.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 68—An Act for the relief of J. H. Adams, Sheriff of the County of Santa Clara.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Fraser, Lindsey, and Tuttle, and it passed by the following vote:



**AYES**—Messrs. Andross, Beck, Boggs, Bush, DeHaven, Duffy, Dyer, Eakin, Edgerton, Fraser, Garratt, Gibbons, Hendricks, Hopkins, Kent, Laine, Lindsey, Martin, McCoy, McKusick, McMurry, Neff, Pendegast, Perkins, and Spencer—24.

**NOES**—Messrs. Bartlett, Crane, Evans, Farley, Irwin, Keys, McCune, O'Connor, Roach, Turner, and Tuttle—11.

Senate Bill No. 170—An Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 76—An Act for the relief of Wm. Rowland, Sheriff of Los Angeles County.

Read third time, and passed.

Senate Bill No. 171—An Act to fix the salaries and compensation of certain officers in Yuba County.

Ordered engrossed.

Mr. Garratt moved to reconsider the vote whereby the Senate receded from its action adopting the "last but one amendment to section twelve of Assembly Bill No. 25," on which the ayes and noes were demanded by Messrs. Keys, Crane, and Dyer, and the Senate refused, by the following vote:

**AYES**—Messrs. Andross, Beck, Boggs, Duffy, Edgerton, Farley, Garratt, Hendricks, Hopkins, Irwin, Kent, McCune, McKusick, McMurry, O'Connor, and Perkins—16.

**NOES**—Messrs. Bartlett, Bush, Crane, Dyer, Eakin, Finney, Fraser, Gibbons, Goodale, Keys, Laine, Lindsey, Martin, Neff, Pendegast, Roach, Spencer, and Tuttle—18.

At one o'clock and twenty-five minutes P. M., on motion of Mr. Pendegast, the Senate adjourned.

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## IN SENATE.

SENATE CHAMBER,  
Thursday, January 29th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Edgerton presented a petition from citizens of Alabama, Cosumnes, and Dry Creek Townships, Sacramento County, in reference to the restoration of the no-fence law.

Received, and laid on the table.

The President appointed Messrs. Edgerton, Graves, and Bush the com-

mittee, on the part of the Senate, to award contracts for translating the laws of the present session of the Legislature into Spanish.

#### REPORTS.

Reports were submitted as follows:

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 65—An Act to repeal the several special road laws in the County of Santa Clara, in the State of California.

Also, Senate Bill No. 137—An Act to amend section thirty-three hundred and eighty-two of the Political Code.

NEFF, Chairman.

By Mr. Farley:

MR. PRESIDENT: The Committee on Corporations have had under consideration Senate Bill No. 173—An Act to incorporate the City of Eureka—have made certain amendments thereto, and recommend the adoption of said amendments and the passage of the bill as amended.

FARLEY, Chairman.

By Mr. Boggs:

MR. PRESIDENT: The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 108—An Act to create the County of San Benito, etc.—report the same back, with the result of their deliberations.

In determining the propriety of erecting new counties in the territory of the State, the committee think the Legislature should be guided from the outset by two leading considerations:

First—Has the proposed new county sufficient area, wealth, and population to render it certain that it can support and maintain a county government. And,

Second—Will the remaining portion of the county or counties affected be left in like condition.

From all the facts submitted to us, we feel enabled to answer both of these propositions in the affirmative. The new county will be able to support itself without seriously detracting from the resources or ability of the old one. This being true, the next question is as to the wishes of the people in the affected territory. From the petitions submitted to us, we are constrained to believe that a large majority of the residents and voters in the proposed new county favor this legislation, while quite a respectable minority of the people in the remaining part of Monterey County are either in favor of it, or are indifferent thereto. We therefore unanimously recommend the passage of the bill.

BOGGS, Chairman.

By Mr. Perkins:

MR. PRESIDENT: The Committee on Claims, to whom was referred Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of the People vs. Horace Smith—have had th

same under consideration, and a majority of the committee recommend its passage.

Also, Senate Bill No. 76—An Act for the relief of A. A. Bennett, Architect of the State Armory and Governor's Mansion—and report the same back with an amendment, and respectfully recommend the passage of the bill as amended.

PERKINS, Chairman.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Contingent Expenses, having had under consideration the application of the Engrossing Clerk for assistants, would respectfully recommend the adoption of the accompanying resolution.

McMURRY, Chairman.

*Resolved*, That the Engrossing Clerk of the Senate be and he is hereby authorized and empowered, by and with the consent of the Committee on Engrossed Bills, to appoint such assistant clerk or clerks, from time to time, as in their judgment may be deemed necessary; the said assistants to receive the same per diem as Copying Clerks, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

By Mr. Lindsey:

Mr. PRESIDENT: The Committee of Conference upon the subject of the disagreement of the two Houses as to the amendments of section eleven (as now numbered) of Assembly Bill No. 25—entitled "An Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey"—beg leave respectfully to report that, after a careful and dispassionate examination of the subject of disagreement, they recommend, in lieu of the two amendments not concurred in or agreed to by the two Houses, the adoption of the following words, to be added at the end of said section eleven, as now agreed to by the two Houses, as being the most likely to reconcile opposite opinions and conflicting interests. The words to be added to said section eleven, are: "And shall take effect and be in force in all those portions of Tulare and Kern Counties (not above described), and in the Counties of San Luis Obispo and Monterey, on the twenty-fifth day of June, A. D. eighteen hundred and seventy-four.

TIPTON LINDSEY,  
E. GIBBONS,  
M. P. O'CONNOR,  
Senate Committee.

FERGUSON,  
DIXON,  
Assembly Committee.

By Mr. Keys:

Mr. PRESIDENT: The delegation to whom was referred Senate Bill No. 182—An Act to provide for the building of a school house in Oak

Dale School District, in the County of Stanislaus, State of California—report the same back, and recommend its passage.

KEYS, of Delegation.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 29th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-eighth instant, passed Assembly Bill No. 146—An Act to incorporate the Town of Castroville, Monterey County, California.

Also, Assembly Bill No. 156—An Act to amend an Act entitled an Act for the protection of fish in the waters of Butte Creek, in the County of Butte, approved February twenty-first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 159—An Act to amend an Act entitled an Act for the suppression of Chinese houses of ill-fame.

Also, Assembly Bill No. 155—An Act to incorporate Salinas City.

Also, adopted Senate Joint Resolution No. 37—Requesting the Governor to return Senate Bill No. 175.

Also, passed, under a suspension of the rules, and ordered transmitted immediately to the Senate, Assembly Bill No. 229—An Act to amend section twelve hundred and seventy-five of the Civil Code.

Also, that Messrs. Ferguson, Canfield, and Dixon, have been appointed as a Committee of Conference, on the part of the House, on Assembly Bill No. 25.

Also, on the twenty-third instant, passed, under suspension of the rules, Assembly Bill No. 90—An Act to incorporate the Town of San Rafael.

JOHN WEBBER,  
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 229, above reported, read first and second times, rules suspended, and, by unanimous consent, read third time and passed.

Assembly Bill No. 146, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 156, above reported, read first and second times and ordered on the General File.

Assembly Bill No. 159, above reported, read first and second times and referred to the Committee on Public Morals.

Assembly Bill No. 155, above reported, read first and second times and referred to the delegation named in the bill.

Assembly Bill No. 90, above reported, read first and second times, and ordered on the General File.



## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Edgerton—An Act to prevent confusion and uncertainty in land titles, and to prevent frauds and oppression.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McCune—An Act to quiet title to certain lands in Napa and Solano Counties.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Garratt—An Act to authorize C. H. Reynolds to sue the State of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Lindsey (by request)—An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of Kings River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Pendegast—An Act to establish the office and define the duties of Chaplain for the State Prison.

Read first and second times, and referred to the Committee on State Prison.

By Mr. Farley—An Act to provide for the establishment of Probationary Asylums for the Insane, or those supposed to be insane.

Read first and second times, and referred to the Committee on State Hospitals.

By Mr. Edgerton—An Act to repeal section one of an Act supplementary to and amendatory of an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six, approved March twenty-eighth, eighteen hundred and sixty-eight, approved April first, eighteen hundred and seventy-two.

Read first and second times, and referred to the Sacramento delegation.

## RESOLUTION.

The following resolution was offered:

By Mr. Garratt:

*Resolved by the Senate, the Assembly concurring, That the President of the Senate be authorized to appoint one additional member on the joint committee for the examination of proposals for translating the laws into Spanish.*

Adopted.

The President appointed Mr. Roach as the additional member of the committee.

## GENERAL FILE.

Senate Bill No. 9—An Act to provide for the assessment of incumbered real estate.

Laid on the table.

Assembly Concurrent Resolution No. 9—relative to the election of United States Senators.

Also, Senate Joint Resolution No. 10—relative to an amendment to the Constitution of the United States.

Passed on the file for to-morrow.

Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy.

Recommitted to the Judiciary Committee.

Senate Bill No. 98—An Act to provide for the payment of certain bonds in the County of Lake.

Read third time and passed.

Senate Bill No. 22—An Act to provide for the payment of the claim of C. Feldhusend.

Indefinitely postponed.

Assembly Bill No. 87—An Act in relation to Swamp Land District Number One Hundred and Fifty.

Passed on file for to-morrow.

Senate Bill No. 58—An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant.

Amended, and ordered engrossed.

Senate Bill No. 131—An Act to fix the salary of the County Judge in the Counties of San Diego and San Bernardino.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 119—An Act for the protection of game in Nevada County.

Read third time, and passed.

Senate Joint Resolution No. 23—Proposing an amendment to section thirteen, Article Eleven, of the Constitution.

Recommitted to the Judiciary Committee.

Assembly Bill No. 103—An Act to prevent hogs and goats running at large in the Town of Davisville, Yolo County.

Read third time, and passed.

#### REPORT.

Mr. Duffy, by leave, submitted a report, as follows:

Mr. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 86—An Act entitled an Act concerning roads and highways in the Counties of Klamath and Del Norte—have had the same under consideration, now report the bill back, and recommend its passage.

DUFFY, for Committee.

#### RESOLUTION.

Mr. Bartlett, by consent, offered a resolution, as follows:

*Resolved*, That all bills which shall not have been printed, reported

favorably upon by a delegation, before being adopted shall be referred to a standing committee.

Laid over, under the rules.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 29th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the report of the Committee of Conference on Assembly Bill No. 25—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, and Kern.

Also, adopted Assembly Concurrent Resolution No. 30—to print two thousand five hundred copies of the address delivered by D. C. Gilman, at the Assembly Chamber, on the evening of January twenty-sixth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 125—An Act to make applicable to the County of Tulare an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two.

Also, amended and passed Senate Bill No. 135—An Act to amend an Act for the relief of Morris Woolf, approved March fourth, eighteen hundred and seventy-two.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 25, above reported; the report of the Committee on Conference adopted, and bill amended to conform thereto.

Assembly Concurrent Resolution No. 30, above reported; the Senate refused to concur in the adoption of the resolution.

Senate Bill No. 135, above reported; Assembly amendment to the title agreed to.

#### REPORT.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred a resolution allowing the Committee on State Prison to employ a clerk, have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

McMURRY, Chairman.

#### SUBSTITUTE.

*Resolved,* That the Committee on State Prison be allowed a clerk, at a per diem of five dollars, payable out of the appropriation for contingent

expenses of the Senate—said clerk to be discharged as soon as the committee are through with their investigation.

Adopted.

Mr. Farley, by leave, submitted a report, as follows:

Mr. PRESIDENT: The Committee on Corporations have had under consideration Assembly Bill No. 133—An Act to repeal an Act entitled an Act to authorize the Counties of Mendocino, Humboldt, Klamath, and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties, approved March thirty-first, eighteen hundred and seventy—report the same back, and recommend its passage.

FARLEY, Chairman.

On motion of Mr. Farley, the rules were suspended, the bill above reported taken up, read a third time, and passed.

At one o'clock, P. M., on motion of Mr. Evans, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Friday, January 30th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

The President presented a petition from Joseph Neumann, in behalf of Senator Irwin's bill for the establishment of a State Reform School.

Received, and referred to the Committee on Education.

## REPORTS.

Reports were submitted, as follows:

By Mr. Turner:

Mr. PRESIDENT: Your Committee on Elections have had under consideration Senate Joint Resolution No. 35—Asking for the repeal of the Act of Congress fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress—and now report the same back, and recommend its passage.

TURNER, Chairman.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No.



125—An Act to make applicable to the County of Tulare an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two;

Also, Senate Bill No. 135—An Act to amend an Act entitled an Act for the relief of Morris Woolf, approved March twentieth, eighteen hundred and seventy-two;

And have presented the same to his Excellency the Governor, for his approval, this day, at eleven o'clock and fifteen minutes A. M.

McMURRY, Chairman.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 92—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to provide for the incorporation of colleges, approved April twentieth, eighteen hundred and fifty, approved July eighth, eighteen hundred and seventy-two.

Also, Senate Bill No. 58—An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant.

TUTTLE, for Committee.

By Mr. Pendegast:

MR. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 186—An Act to quiet title to certain lands in Napa and Solano Counties—and report the same back with an amendment, and respectfully recommend the adoption of the amendment and the passage of the bill as amended.

Also, Senate Bill No. 90—An Act to impose a tax on local and special legislation in the State of California—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 148—An Act exempting certain firemen of Nevada County from the payment of poll taxes—and report the same back, and recommend that it do not pass. The committee has, in a similar case, during this session, reported as its opinion, that such an Act would be a violation of section thirteen of Article Eleven of the Constitution. This opinion is unchanged, and applies to the present bill.

Also, Senate Bill No. 129—An Act granting leave of absence from the State to George S. Palmer, District Attorney elect of Tulare County—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 158—An Act for the relief of John Hoagland and others—and report the same back with amendments, and respectfully recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 57—An Act to amend an Act entitled an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-eight—and report the same back, and recommend that it do not pass; on the ground that the proposed amendments are not, in the opinion of the committee, of sufficient importance to require or justify a change in a system which,

though it may be imperfect, has long been in operation, and is well understood.

Also, Senate Bill No. 167—An Act in relation to the care of orphans and abandoned children—and report the same back with amendments, and respectfully recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 169—An Act authorizing and requiring the State Treasurer to commence and prosecute civil actions on behalf of the State of California, against certain persons therein named—and report the same back with an amendment, and respectfully recommend the adoption of the amendment and the passage of the bill as amended.

Also, Senate Bill No. 172—An Act to add a new section to the Penal Code—and report the same back, and recommend its passage.

Also, Substitute for Assembly Bill No. 35—An Act to amend section thirty-three hundred and eighty-five of the Political Code—and report the same back, and recommend that it be referred to the Committee on Agriculture.

Also, Senate Bill No. 168—An Act to amend the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two—and report the same back, and recommend that it do not pass.

PENDEGAST, Chairman.

Substitute for Assembly Bill No. 35, above reported, was so referred.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 30th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 138—An Act to amend section sixty-seven of the Code of Civil Procedure.

Also, Senate Bill No. 16—An Act directing the Controller to advertise, in a newspaper published in the County of Stanislaus, of the sale of certain lands, the title to which is vested in the State of California, and to sell said lands.

I also return Senate Bill No. 175—An Act to amend section twelve hundred and seventy-five of the Civil Code, in accordance with the request of your honorable body.

NEWTON BOOTH,  
Governor.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
January 30th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-ninth day of January, passed Assembly

Bill No. 2—An Act to regulate fares and freights on the railroads in the State of California.

Also, on this day, passed Senate Bill No. 13—An Act to separate the office of County Recorder from the office of County Clerk, in the County of Tulare.

Also, Substitute for Senate Bill No. 23—An Act concerning conveyances by the municipal authorities of the City of San Diego.

Also, Substitute for Senate Bill No. 30—An Act concerning conveyances in the County of Santa Barbara.

Also, Senate Concurrent Resolution No. 32—instructing Senators and Representatives to oppose the passage of certain bills pending in Congress.

JOHN WEBBER, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 2, above reported, read first and second times, and referred to the Committee on Corporations, and ordered printed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to provide for the location, construction, and maintenance of public roads in the County of Tulare.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Garratt—An Act making appropriations for the payment of certain claims in favor of John A. Breuner.

Also, an Act to pay certain claims in favor of Patrick Kearns.

Read first and second times, and referred to the Committee on Claims.

By Mr. McCune—An Act to amend section thirty-three hundred and eighty-five of the Political Code.

Read first and second times, and referred to the Committee on Judiciary.

By Mr. McMurry—An Act to pay the claim of Newton Benedict.

Read first and second times, and referred to the Committee on Claims.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. Farley, the rules were suspended, and Senate Bill No. 58—An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant—taken up and placed on its passage.

Read a third time and passed.

By Mr. Oulton:

*Resolved*, That the Committee on Counties and County Boundaries be and they are hereby requested to consider and report to the Senate, at the earliest day practicable, the several apportionment bills now in the hands of said committee, together with the action and conclusions of the committee.

Adopted.

The resolution by Mr. Bartlett, on yesterday, was taken up:

*Resolved*, That all bills which shall not have been printed, reported favorably upon by a delegation, before being adopted shall be referred to a standing committee.

Adopted.

Mr. Bush moved that when the Senate adjourn to-day, it adjourn to meet again on Monday next, February second, at two o'clock and thirty minutes P. M.

Carried.

By Mr. Turner:

*Resolved*, That the Controller of State is hereby authorized to draw his warrant in favor of the following named persons, for expenses incurred as witnesses in the contested election, Gildea vs. Fraser, payable out of the appropriation for the contingent expenses of the Senate:

To whom due.	Amount.
R. O. Turnbull, County Clerk of El Dorado.....	\$76 00
Thomas H. Breeze, witness.....	58 00
James H. Breeze, witness.....	75 00
George A. Brown, witness.....	75 00
Frank Shay, reporter.....	25 00
P. H. Kean, Deputy Sergeant-at-Arms.....	138 00

Referred to the Committee on Contingent Expenses.

Mr. McMurry, from the Committee on Contingent Expenses, reported the following resolution, without recommendation:

*Resolved*, That P. J. Brogan be and he is hereby appointed Porter for the Senate galleries, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Duffy, Fraser, and Martin, and the Senate refused, by the following vote:

AYES—Messrs. Beck, Duffy, Farley, Graves, Hopkins, Kent, Martin, McCoy, McKusick, Neff, and O'Connor—11.

NOES—Messrs. Bartlett, Boggs, Bush, Crane, Dyer, Edgerton, Evans, Fraser, Garratt, Gibbons, Goodale, Hendricks, Irwin, Keys, Laine, Lindsey, McCune, Oulton, Pendegast, Spencer, Turner, and Tuttle—22.

On motion of Mr. McKusick, Senate Bill No. 17 was ordered printed. Assembly Bill No. 75, on motion of Mr. Bartlett, was ordered printed.

#### GENERAL FILE.

Senate Bill No. 111—An Act to amend section seventy-six of the Code of Civil Procedure.



Also, Senate Bill No. 134—An Act to amend section two hundred and seventy-seven of the Code of Civil Procedure.

Passed on file.

Substitute for Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State.

On the adoption of the substitute, the ayes and noes were demanded by Messrs. Pendegast, McKusick, and Evans, and the Senate refused, by the following vote:

AYES—Messrs. Bartlett, Bush, Crane, Duffy, Fraser, Goodale, Hendricks, Laine, McCune, McKusick, O'Connor, Perkins, Roach, and Tuttle—14.

NOES—Messrs. Andross, Beck, Boggs, Eakin, Edgerton, Evans, Farley, Garratt, Gibbons, Graves, Hopkins, Irwin, Kent, Keys, Lindsey, Martin, McCoy, Neff, Oulton, Pendegast, Spencer, and Turner—22.

Mr. O'Connor moved to amend section two, by inserting after the word "must" the words "subject to the provisions of section five hundred and thirty-six of the Political Code."

On which the ayes and noes were demanded by Messrs. O'Connor, McKusick, and McCune, and the Senate refused, by the following vote:

AYES—Messrs. Bartlett, Bush, Crane, Duffy, Fraser, Goodale, Hendricks, Laine, McCune, McKusick, O'Connor, Perkins, Roach, and Tuttle—14.

NOES—Messrs. Andross, Beck, Boggs, Eakin, Edgerton, Evans, Farley, Garratt, Gibbons, Graves, Hopkins, Irwin, Kent, Keys, Lindsey, Martin, McCoy, McMurry, Neff, Oulton, Pendegast, Spencer, and Turner—23.

Mr. Farley moved to suspend the rules, to consider the bill engrossed, and place it on its final passage.

On which the ayes and noes were demanded by Messrs. O'Connor, McKusick, and Laine, and the Senate refused, by the following vote—two thirds failing to vote in the affirmative:

AYES—Messrs. Andross, Beck, Boggs, Eakin, Evans, Farley, Garratt, Gibbons, Graves, Hopkins, Irwin, Kent, Keys, Lindsey, Martin, McCoy, McMurry, Neff, Oulton, Pendegast, Spencer, and Turner—22.

NOES—Messrs. Bartlett, Bush, Crane, Duffy, Edgerton, Fraser, Goodale, Hendricks, Laine, McCune, McKusick, O'Connor, Perkins, Roach, and Tuttle—15.

At one o'clock and thirty minutes P. M., Mr. Farley moved to take a recess until three o'clock P. M.

Lost.

Senate Bill No. 65—An Act to repeal the several special road laws in the County of Santa Clara, in the State of California.

Read a third time and passed.

At one o'clock and thirty-five minutes P. M., Mr. McKusick moved to take a recess until two o'clock and thirty minutes P. M.

Lost.

At one o'clock and thirty-six minutes P. M., Mr. Tuttle moved that the Senate adjourn.

On which the ayes and noes were demanded by Messrs. Tuttle, Edgerton, and Neff, and the Senate refused, by a vote as follows:

AYES—Messrs. Andross, Bartlett, Duffy, Farley, Fraser, Goodale, Graves, Hopkins, Keys, Martin, McCune, McKusick, McMurry, Roach, and Tuttle—15.

NOES—Messrs. Beck, Boggs, Bush, Crane, Eakin, Edgerton, Hendricks, Laine, Lindsey, McCoy, Neff, O'Connor, Oulton, Pendegast, Perkins, Spencer, and Turner—17.

Senate Bill No. 173—An Act to incorporate the City of Eureka.

Passed on the file.

Assembly Bill No. 108—An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization.

On motion of Mr. Edgerton, made special order for Monday next, at two o'clock P. M.

At one o'clock and forty minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Monday, February 2d, 1874. }

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Friday read and approved.

## LEAVE OF ABSENCE.

Leave of absence was granted for three days to Mr. Boggs, and one day each to Messrs. Dyer, Garratt, O'Connor, Neff, Roach, and Tuttle. The Committee on Hospitals was also granted leave of absence for one day.

## PETITIONS.

Mr. Edgerton presented a petition from the President and Secretary of the Ladies' Benevolent Society of Sacramento City.

Received, and referred to the Committee on Public Expenditures.

By Mr. Lindsey—A petition in reference to creating a new county out of the Counties of Tulare and Kern.

## REPORTS.

Reports were submitted, as follows:

By Mr. McKusick:

MR. PRESIDENT: The Committee on Public Lands having considered

Assembly Concurrent Resolution No. 15—relative to survey of public lands in California—report the same back, and recommend its passage.

Also, have considered Assembly Concurrent Resolution No. 8—relative to lands granted the Stockton and Copperopolis Railroad—report the same back with an amendment, and recommend its passage as amended.

McKUSICK, Chairman.

By Mr. Hendricks:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 171—An Act to fix the salaries and compensation of certain officers in Yuba County.

Also, Senate Bill No. 126—An Act to appropriate money to pay the claim of George A. Blanchard.

Also, Senate Bill No. 131—An Act to fix the salary of County Judge in the Counties of San Diego and San Bernardino.

HENDRICKS,  
For the Committee.

Mr. McMurry, for the delegation, verbally reported Assembly Bill No. 89—An Act to provide for the construction and maintenance of free bridges in the County of Trinity, and to set apart a fund therefor, and recommended its passage.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 13—entitled an Act to separate the office of County Recorder from the office of County Clerk, in the County of Tulare;

Also, Substitute for Senate Bill No. 23—entitled an Act concerning conveyances by the municipal authorities of the County of San Diego;

Also, Substitute for Senate Bill No. 30—entitled an Act concerning conveyances in the County of Santa Barbara;

And have presented the same to his Excellency, the Governor, for his approval, this day, at two o'clock and forty minutes P. M.

Also, Senate Concurrent Resolution No. 32—instructing our Senators and Representatives to oppose the passage of certain bills pending in Congress—and have delivered the same to his Excellency the Governor, at the same hour.

McMURRY, Chairman.

By Mr. Beck:

MR. PRESIDENT: The Monterey delegation, to whom was referred Assembly Bill No. 155—An Act to incorporate Salinas City—report the bill back and recommend its passage.

BECK, Delegation.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 30th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-fourth instant, passed, under a suspension of the rules, Assembly Bill No. 75—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

JOHN WEBBER, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 75, above reported, read first and second times, and referred to the San Francisco delegation.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Finney—An Act relating to the officers and government of San Mateo County.

Read first and second times, and ordered on file.

By Mr. Edgerton—An Act to amend section three thousand four hundred and ninety-five of the Political Code.

Also, an Act authorizing and requiring the Surveyor General to cancel and annul applications for portions of the sixteenth and thirty-sixth sections of the public lands of this State.

Read first and second times, and referred to the Committee on Public Lands.

Also, an Act for the relief of D. H. Norris.

Read first and second times, and referred to the Committee on Claims.

Also, an Act to amend sections eight hundred and thirty-two, eight hundred and forty-nine, eight hundred and sixty-eight, eight hundred and ninety, eight hundred and ninety-two, eight hundred and ninety-five, nine hundred and two, and to repeal section eight hundred and forty-eight of the Code of Civil Procedure.

Also, Proposed amendment to section one of Article VII of the Constitution.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Lindsey—An Act to create the County of Manache, to establish the boundaries thereof, and to provide for its organization.

Read first and second times, and, with the petition heretofore presented on the same subject, referred to the Committee on Counties and County Boundaries.

By Mr. McKusick—An Act for the protection of preëmption and homestead claimants.

Read first and second times, and referred to Committee on Public Lands.



By Mr. Goodale—An Act to authorize the party therein named to establish and maintain a ferry.

Read first and second times, and referred to Committee on Commerce and Navigation.

By Mr. Lindsey—An Act amendatory of and supplementary to an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts, approved March thirtieth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Fraser—An Act to amend section four hundred and eighty-nine of the Civil Code.

Read first and second times and referred to Committee on Corporations.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Lindsey offered a resolution, as follows:

*Resolved*, That a special committee of three be appointed by the President of the Senate to act in conjunction with the special committee from the House, to inquire into certain statements in reference to the illegal distribution of swamp land funds, and swamp land titles fraudulently obtained.

Adopted.

#### GENERAL FILE.

Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of the People of the State of California v. Horace Smith.

On motion of Mr. Evans, ordered to the top of the General File for Thursday next.

Senate Bill No. 76—An Act for the relief of A. A. Bennett.

Considered in Committee of the Whole.

In Senate, amendments adopted.

Ordered engrossed.

Senate Bill No. 182—An Act to provide for the building of a school-house in Oak Dale School District, in the County of Stanislaus, State of California.

Rules suspended, considered engrossed, read third time and passed.

Assembly Bill No. 86—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Klamath and Del Norte.

Read third time and passed.

Assembly Bill No. 90—An Act to incorporate the Town of San Rafael.

On motion of Mr. Goodale, referred to the Committee on Corporations.

Assembly Bill No. 156—An Act to amend an Act entitled an Act for the protection of fish in the waters of Butte Creek, in the County of Butte, approved February twenty-first, eighteen hundred and seventy-two.

Read third time and passed.

Vote passing the bill reconsidered; referred to the Butte County delegation.

Assembly Concurrent Resolution No. 9—relative to the election of

United States Senators. Also, Senate Joint Resolution No. 10—relative to an amendment to the Constitution of the United States.

Passed on file.

Assembly Bill No. 87—An Act in relation to Swamp Land District Number One Hundred and Fifty.

Passed on file.

At three o'clock and forty-seven minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, February 3d, 1874. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## COMMITTEE APPOINTED.

The President appointed Messrs. Lindsey, Finney, and McMurry the committee provided for under a resolution adopted on the second instant, in reference to inquiring into certain statements in reference to illegal distribution of swamp land funds, and swamp land titles fraudulently obtained.

## PETITIONS.

Mr. Pendegast presented a petition from citizens of Napa County, approving an Act to reorganize the Board of Supervisors of Napa County, and for other purposes; also, an Act to regulate salaries and fix the compensation of certain county officers in the County of Napa.

Received, and laid on the table.

By Mr. O'Connor—A petition from citizens, residents, and taxpayers of Marin County, in reference to a bill introduced in the Assembly for the incorporation of the Town of San Rafael.

Received, and referred to the Committee on Corporations.

## REPORTS.

Reports were submitted as follows:

By Mr. Neff:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State.

Also, Senate Bill No. 66—An Act to repeal section six hundred and eighty-four of the Political Code of the State of California.

NEFF, Chairman.

By Mr. Lindsey:

MR. PRESIDENT: Your committee to whom was referred Assembly Bill No. 62, have had the same under consideration, and respectfully report the bill back, and recommend its passage.

LINDSEY, for Committee.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred a resolution to pay the expense of the contested election case of Gildea v. Fraser, having had the same under consideration, herewith report it back, and recommend that it pass.

We have also examined the following bills, and finding them correct would recommend the adoption of the accompanying resolution:

To whom due.	Amount.
B. F. Alexander, journal desk.....	\$4 50
Laufkotter Bros., labor and material .....	21 18
John Breuner, furniture .....	21 00
Pacific Ice Company, ice.....	13 25
George Rowland, postage stamps.....	600 00
C. Rave, keys, locks, and repairs .....	20 50
A. Hamburger, towels.....	24 00

*Resolved*, That the Controller is hereby authorized to draw his warrants on the Treasurer in favor of the following named persons, for the amounts set opposite their names, payable out of the appropriation for contingent expenses of the Senate:

In favor of B. F. Alexander for four dollars and fifty cents.

In favor of Laufkotter Bros. for twenty-one dollars and eighteen cents.

In favor of John Breuner for twenty-one dollars.

In favor of Pacific Ice Company for thirteen dollars and twenty-five cents.

In favor of George Rowland for six hundred dollars.

In favor of C. Rave for twenty dollars and fifty cents.

In favor of A. Hamburger for twenty-four dollars.

McMURRY, Chairman.

*Resolved*, That the Controller of State is hereby authorized to draw his warrant in favor of the following named persons for expenses incurred as witnesses in the contested election case of Gildea v. Fraser, payable out of the appropriation for the contingent expenses of the Senate:

To whom due.	Amount.
R. O. Turnbull, County Clerk of El Dorado.....	\$76 00
Thomas H. Breeze, witness.....	58 00
James H. Breeze, witness.....	75 00
George A. Brown, witness.....	75 00
Frank Shay, reporter.....	25 00
P. H. Kean, Deputy Sergeant-at-Arms.....	138 00

The resolutions above reported were taken up under a suspension of the rules and adopted.

By Mr. Hendricks:

MR. PRESIDENT: The Butte delegation, to whom was referred Assembly Bill No. 156—An Act to amend an Act for the protection of fish in the waters of Butte Creek, in the County of Butte, approved February twenty-first, eighteen hundred and seventy-two—report the same back amended, and recommend its passage.

HENDRICKS, for Delegation.

MR. O'Connor verbally reported Assembly Bill No. 125—An Act granting leave of absence to D. B. Merry, County Surveyor of Nevada County.

The bill, with accompanying papers, referred to the Judiciary Committee.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 2d, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 119—An Act granting leave of absence from the State to J. B. Scott, Sheriff of Alpine County.

Also, Senate Bill No. 139—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirteenth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 135—An Act to amend an Act entitled an Act for the relief of Morris Woolf, approved March twentieth, eighteen hundred and seventy-two.

Also, Senate Bill No. 125—An Act to make applicable to the County of Tulare an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two.

NEWTON BOOTH,  
Governor.



## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 3d, 1874. }

**MR. PRESIDENT:** I am direct to inform your honorable body that the Assembly, on the twenty-seventh day of January, passed, under suspension of the rules, Substitute for Assembly Bill No. 24—An Act to authorize the Board of Education of the City and County of San Francisco to establish and maintain a labor school in and for said city and county.

Also, Substitute for Assembly Bill No. 77—An Act authorizing the Board of Supervisors of Mariposa County to levy an additional tax for county purposes.

Also, Assembly Bill No. 78—An Act regulating the salaries of certain officers of Mariposa County.

Also, Assembly Bill No. 168—An Act to fund certain indebtedness of Sonoma County.

Also, Assembly Bill No. 191—An Act to provide for the protection of lands from overflow in the County of Yuba.

Also, on the second day of February, passed Assembly Bill No. 100—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three.

Also, Assembly Bill No. 106—An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank, any deposit in such bank where the same does not exceed the sum of five hundred dollars.

Also, Assembly Bill No. 111—An Act to amend the Political Code by adding sections three thousand two hundred and forty-six, three thousand two hundred and forty-seven, and three thousand two hundred and forty-eight, regulating hours of labor in certain cases.

Also, Assembly Bill No. 140—An Act applying certain sections of the Political Code to the County of Fresno.

Also, Assembly Bill No. 151—An Act to appropriate money for the relief of General J. A. Sutter.

Also, adopted Senate Concurrent Resolution No. 38—Authorizing the appointment of an additional member on the joint committee for translating the laws into Spanish.

JOHN WEBBER,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Substitute for Assembly Bill No. 24, above reported, read first and second times, and referred to the San Francisco delegation.

Substitute for Assembly Bill No. 77, above reported, read first and second times, and referred to the Committee on State and County Revenue.

Assembly Bill No. 78, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 168, also Assembly Bill No. 157, above reported, read first and second times, and referred to the Committee on Finance.

Assembly Bills Nos. 100, 106, 111, also Assembly Bill No. 140, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 191, above reported, read first and second times, and referred to the delegation named in the bill.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Edgerton—An Act to amend sections one thousand and forty-one and four thousand one hundred and nine of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Pendegast—An Act to fix the fees of the Surveyor of Napa County.

Read first and second times, and ordered on file.

By Mr. Duffy—An Act to empower the Board of Supervisors of Sacramento County to pay the claim of John Domingos.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Turner—An Act for the protection of settlers on the public lands claimed by the State.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Fraser—An Act for the relief of James W. Marshall.

Read first and second times, and referred to the Committee on Finance.

By Mr. Laine—An Act to amend the Political Code, concerning officers, clerks, Secretaries, Boards of Commissioners, and salaries.

Read first and second times, and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were offered as follows:

By Mr. Gibbons:

WHEREAS, From information which has come to the knowledge of Senators and members of the Judiciary Committee of the Senate, it is believed that Senate Bill No. 95—entitled "An Act to protect bona fide settlers upon public lands"—was recommended by said committee, and passed by the Senate, under a misconception of its true effect; it is

*Resolved*, That the Assembly be and it is hereby requested to return said Senate Bill No. 95 to the Senate, for further consideration.

Adopted.

By Mr. Hendricks:

*Resolved*, That Charles Moreno, acting mail carrier for the Senate, and Porter for six committee rooms, be and he is hereby allowed four dollars per day for his services from the commencement of the session (instead of two dollars and a half, as heretofore allowed), to be paid out of the appropriation for the contingent expenses of the Senate.

Adopted.

## GENERAL FILE.

Senate Bill No. 171—An Act to fix the salaries and compensation of certain officers in Yuba County.

Read third time and passed.

[Mr. Pendegast in the chair.]

Senate Joint Resolution No. 35—Asking for the repeal of the Act of Congress fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress.

Rules suspended, considered engrossed, read third time and adopted.

Senate Bill No. 186—An Act to quiet title to certain lands in Napa and Solano Counties.

Amendments adopted, and ordered engrossed.

Senate Bill No. 90—An Act to impose a tax on local and special legislation in the State of California

Recommendation of the committee that the bill do not pass, adopted.

Senate Bill No. 148—An Act exempting firemen of Nevada County from the payment of poll taxes.

Amended, and, on motion of Mr. Turner, recommitted to the Judiciary Committee.

[President in the chair.]

Senate Bill No. 129—An Act granting leave of absence from the State to George S. Palmer, District Attorney elect of Tulare County.

Recommendation of the committee that the bill do not pass, adopted.

Senate Bill No. 158—An Act for the relief of John Hoagland and others.

On motion of Mr. Edgerton, referred to the Sacramento and Solano County delegations.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Hendricks, the Senate took a recess until one o'clock P. M.

## REASSEMBLED.

At one o'clock P. M. Senate reassembled.

President in the chair.

Roll called, and a quorum present.

## SPECIAL ORDER.

Senate Bill No. 29—An Act to amend section one hundred and ninety of the Penal Code, and to abolish capital punishment.

[Mr. Perkins in the chair.]

On motion of Mr. Edgerton, the special order was postponed to the same hour for Tuesday, February tenth.

On motion of Mr. Pendegast, the vote by which Senate Bill No. 95—"An Act to protect bona fide settlers upon public lands"—was ordered engrossed, was reconsidered, and the bill referred to the Judiciary Committee.

On motion of Mr. Finney, Senate Bill No. 197 was taken from the General File, and referred to the delegation named in the bill.

At two o'clock and fifty minutes P. M., on motion of Mr. Evans, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, February 4th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. Neff, the rules were suspended, and the Committee on Engrossment were authorized to correct a clerical error in Senate Bill No. 170—"An Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California."

## REPORTS.

Reports were submitted, as follows:

By Mr. Goodale:

MR. PRESIDENT: Your committee to whom was referred Assembly Bill No. 159, have had the same under consideration, and report the same, and recommend the passage of the bill.

GOODALE, for Committee.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 36—entitled an Act supplementary to an Act, approved March thirtieth, eighteen hundred and seventy-two, entitled an Act to provide the City of Sacramento with a better supply of water—and have presented the same to his Excellency the Governor, for his approval, this day, at eleven o'clock A. M.

McMURRY, Chairman.

By Mr. Irwin:

MR. PRESIDENT: The Committee on Finance have had under consideration Senate Bill No. 110—entitled an Act to provide for a State census in eighteen hundred and seventy-five—and now report it back with a substitute, and recommend the adoption and passage of the substitute.

Also, Senate Bill No. 140—entitled an Act granting additional powers to the Loan Commissioners, constituted by an Act approved April second, eighteen hundred and seventy—and now report it back with an amendment, and recommend the adoption of the amendment and the passage of the bill as amended.

Also, Senate Bill No. 144—entitled an Act for the redemption of unused and uncanceled stamps, heretofore sold by the State of California—and now report it back with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.



Also, Assembly Bill No. 151—entitled an Act to appropriate money for the relief of General John A. Sutter—and now report it back with the recommendation that it pass.

IRWIN, Chairman.

On motion of Mr. Irwin, Substitute for Senate Bill No. 110, above reported, was ordered printed.

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 76—An Act for the relief of A. A. Bennett, Architect of the State Armory and Governor's Mansion.

Also, Senate Bill No. 170—An Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California.

NEFF, Chairman.

By Mr. Duffy:

MR. PRESIDENT: The Sacramento delegation, to whom was referred Senate Bill No. 184, have had the same under consideration, and report the bill back with a substitute, and recommend the passage of the substitute.

EDGERTON.  
DUFFY.

By Mr. Perkins:

MR. PRESIDENT: The Butte delegation, to whom was referred Senate Bill No. 153—An Act supplementary to and amendatory of an Act entitled "An Act to reincorporate the Town of Chico, Butte County, California," approved January eight, eighteen hundred and seventy-two—have had the same under consideration, and respectfully report it back, with the recommendation that it pass as amended by the delegation.

PERKINS, for Delegation.

By Mr. Keys:

MR. PRESIDENT: The Mariposa delegation, to whom was referred Assembly Bill No. 78—entitled an Act regulating the salaries of certain officers of Mariposa County—report the same back and recommend its passage.

KEYS, for Delegation.

By Mr. Pendegast:

MR. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 195—An Act to amend section three thousand three hundred and eighty-five of the Political Code—and report the same back and recommend that it be referred to the Committee on Agriculture.

Also, Senate Bill No. 78—An Act to repeal in part an Act entitled an Act to release the claim of the State of California to certain lands in township eleven, range four east, Mount Diablo base and meridian, approved April first, eighteen hundred and seventy-two—and report the same back and recommend that it do not pass.

Also, Senate Bill No. 83—An Act to legalize certain bonds of the City of San Diego, and to provide for the payment of the interest thereon and the redemption thereof.

The committee are equally divided as to the propriety of the proposed legislation, and therefore report the bill back without recommendation.

Also, Senate Bill No. 89—An Act to amend certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, concerning the publication of the reports of the Supreme Court of the State of California—and report the same back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 103—An Act to amend the Penal Code—and report the same back with amendments and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 25—An Act to amend section eleven hundred and seventy-four of the Penal Code of the State of California—and report the same back and recommend that it do not pass, for the reason that the amendment of the bill has already been incorporated in the general amendments to the Penal Code returned in this report.

Also, Senate Bill No. 183—An Act to remove from Henry Meiggs certain legal disabilities—and report the same back with a substitute and respectfully recommend the adoption of the substitute.

PENDEGAST, Chairman.

Senate Bill No. 195, above reported, was so referred.

Mr. Edgerton verbally reported Senate Bill No. 191—An Act to repeal section one of an Act supplementary to and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six, approved March twenty-eighth, eighteen hundred and sixty-eight, approved April first, eighteen hundred and seventy-two—and recommended the passage of the bill.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 3d, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 169—An Act to legalize the debt contracted for building a school house in Martinez School District, and to provide for the payment of the same.

Also, Assembly Bill No. 170—An Act to amend an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two.

Also, Assembly Concurrent Resolution No. 21—Asking Congressional relief for A. B. Gilbert.

Also, Assembly Bill No. 139—An Act to amend section four hundred and ninety-six of the Penal Code.

Also, Assembly Bill No. 171—An Act to provide for the construction of certain wagon roads in the County of Humboldt.

Also, Assembly Bill No. 177—An Act to reincorporate the City of Napa.

Also, Assembly Bill No. 180—An Act to fix the salary of the Superintendent of Public Schools in Butte County.

Also, Assembly Bill No. 187—An Act to create the County of Summit, to establish the boundaries thereof, and to provide for its organization.

Also, Assembly Bill No. 196—An Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of Perry Johnson, City Marshal of said city.

Also, Assembly Bill No. 212—An Act to grant leave of absence to George I. Bennett, County Recorder and Auditor of Contra Costa County.

Also, Senate Bill No. 36—An Act supplementary to an Act approved March thirtieth, eighteen hundred and seventy-two, entitled an Act to provide the City of Sacramento with a better supply of water.

Also, in accordance with Senate Resolution No. —, herewith return Senate Bill No. 95—An Act to protect bona fide settlers upon public lands.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 169, above reported, read first and second times, and referred to the Judiciary Committee, with accompanying documents.

Assembly Bill No. 170, above reported, read first and second times, and referred to Committee on Roads and Highways.

Assembly Concurrent Resolution No. 21, above reported, read first and second times, and referred to the Committee on Federal Relations.

Assembly Bill No. 139, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 171, above reported, read first and second times, and referred to the Committee on State and County Revenue.

Assembly Bill No. 177, above reported, read first and second times, and referred to the Napa County delegation.

Assembly Bill No. 180, above reported, read first and second times, and referred to the Butte County delegation.

Assembly Bill No. 187, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly Bill No. 196, above reported, read first and second times, and referred to the Alameda County delegation.

Assembly Bill No. 212, above reported, read first and second times, and referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to regulate the building and maintaining of depots and stations, and the stopping of trains thereat, upon the several railroads in the State of California.

Read first and second times, and referred to the Committee on Corporations, and ordered printed.

By Mr. DeHaven—An Act fixing the compensation of certain officers of the County of Humboldt.

Read first and second times, and ordered on file.

By Mr. Perkins—An Act in relation to the compensation of the Phonographic Reporters of the Second and Tenth District Courts.

Read first and second times, and referred to the delegations from the Second and Tenth Judicial Districts.

By Mr. Goodale—An Act to authorize the Treasurer of Contra Costa County to deposit the funds of the county with the Bank of Martinez.

Read first and second times, and referred to the Judiciary Committee, with a document submitted by the author of the bill.

By Mr. Farley (by request)—An Act to repeal an Act entitled an Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto, approved February first, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Tuttle offered a concurrent resolution, asking Congress to establish a mail route in Sonoma County; also, to establish a Post Office at Donahue, in said county.

Read first and second times, rules suspended, considered engrossed, read a third time, and adopted.

At the request of Mr. Neff, the Committee on State Prison were granted leave of absence for one day—to-morrow.

On motion of Mr. Turner, the matter of the contested election case, Gildea vs. Fraser, was made the special order for Tuesday, February tenth, at two o'clock P. M.

#### GENERAL FILE.

Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State.

On motion of Mr. McKusick, made special order for Friday, February sixth, at one o'clock P. M.

Also, Senate Bill No. 66—An Act to repeal sections six hundred and eighty-four and six hundred and eighty-five of the Political Code of the State of California.

Also, Senate Bill No. 169—An Act authorizing and requiring the State Treasurer to commence civil actions, on behalf of the State of California, against certain persons therein named.

On motion of Mr. Edgerton, ordered to top of General File for to-morrow.

Also, Senate Bill No. 57—An Act to amend an Act entitled an Act to authorize and direct County Judges of the several counties of this State to execute certain trusts in relation to town lands granted to the unincorporated towns, etc.

Recommendation of the committee that the bill do not pass, adopted.

Also, Senate Bill No. 167—An Act in relation to the care of orphan and abandoned children.

Amendment adopted, and ordered engrossed.

Also, Senate Bill No. 172—An Act to add a new section to the Penal Code.



Ordered engrossed.

Also, Senate Bill No. 168—An Act to amend the Political Code of the State of California.

Recommendation of the committee that the bill do not pass, adopted.

Also, Senate Bill No. 111—An Act to amend section seventy-six of the Code of Civil Procedure.

The Senate refused to adopt the recommendation of the committee, that the bill do not pass.

Bill ordered engrossed.

Also, Senate Bill No. 134—An Act to amend section two hundred and seventy-seven of the Code of Civil Procedure.

Recommendation of the committee that the bill do not pass, adopted.

Also, Senate Bill No. 173—An Act to incorporate the City of Eureka.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Concurrent Resolution No. 15—relative to a survey of public lands in California.

Read third time, and adopted.

Also, Assembly Concurrent Resolution No. 8—relative to lands granted the Stockton and Copperopolis Railroad.

Amendment adopted.

Read third time, and adopted.

Also, Assembly Bill No. 89—An Act to provide for the construction and maintenance of free bridges in the County of Trinity, and to set apart a fund therefor.

Read third time, and passed.

On motion of Mr. Irwin, the rules were suspended, and Assembly Concurrent Resolution No. 12—"relative to establishing the boundary line between Del Norte County, California, and Curry County, Oregon"—was taken from the table and ordered on the General File.

Also, Assembly Bill No. 155—An Act to incorporate Salinas City.

On motion of Mr. Turner, referred to the Committee on Corporations.

Also, Assembly Concurrent Resolution No. 9—relative to the election of United States Senators.

The Senate refused to adopt the recommendation that the resolution do not pass.

Read third time, and adopted.

At twelve o'clock and seven minutes P. M., on motion of Mr. Lindsey, the Senate took a recess until two o'clock P. M.

#### REASSEMBLED.

At two o'clock P. M., Senate reassembled.

President in the chair.

Roll called, and a quorum present.

On motion of Mr. O'Connor, Senate Joint Resolution No. 10—"relative to an amendment to the Constitution of the United States"—was taken from the General File and laid on the table.

#### SPECIAL ORDER.

Assembly Bill No. 108—An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization.

Mr. Tuttle offered an amendment, as follows:

Amend section two by adding the words following: "Within ninety

days after the passage of this Act, the Board of Supervisors of Monterey County must order an election, submitting the question of division to the qualified electors thereof. The question to be submitted must be: For the creation of San Benito County—Yes; For the creation of San Benito County—No. If on canvassing the returns there be found a majority of all the votes cast in favor of the creation of San Benito County, then the subsequent provisions of this Act must be in force. If there be found a majority against the creation of San Benito County, then this Act must become null and void. The provisions of the General Election Law must be observed at the election to be held under this Act."

A remonstrance against the passage of the bill was presented by Mr. Tuttle.

Mr. Beck presented an affidavit of certain residents of Monterey County, referring to certain petitions in favor of the division of the county.

Mr. Edgerton moved to recommit the bill to the Committee on Counties and County Boundaries, on which the ayes and noes were demanded by Messrs. Beck, Evans, and Pendegast, and the Senate refused, by the following vote:

AYES—Messrs. Andross, Bartlett, Duffy, Edgerton, Finney, Fraser, Garratt, Goodale, Graves, Keys, Neff, Roach, and Tuttle—13.

NOES—Messrs. Beck, Bush, Crane, DeHaven, Dyer, Eakin, Evans, Farley, Gibbons, Hendricks, Hopkins, Irwin, Kent, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, O'Connor, Pendegast, Perkins, Spencer, and Turner—25.

Mr. Edgerton moved to place the bill at the top of the General File for Friday, on which the ayes and noes were demanded by Messrs. Beck, Lindsey, and Evans, and the motion was lost, by the following vote:

AYES—Messrs. Andross, Bartlett, Duffy, Edgerton, Farley, Finney, Fraser, Garratt, Goodale, Graves, Keys, Laine, Neff, Roach, and Tuttle—15.

NOES—Messrs. Beck, Bush, Crane, DeHaven, Dyer, Eakin, Evans, Gibbons, Hendricks, Hopkins, Irwin, Kent, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, O'Connor, Pendegast, Perkins, Spencer, and Turner—23.

Mr. Tuttle moved to make the bill the special order for Friday, at one o'clock and thirty minutes p. m., on which the ayes and noes were demanded by Messrs. Beck, Evans, and Lindsey, and the Senate refused, by the following vote:

AYES—Messrs. Andross, Bartlett, Duffy, Edgerton, Finney, Fraser, Garratt, Goodale, Graves, Keys, Laine, Roach, and Tuttle—13.

NOES—Messrs. Beck, Bush, Crane, DeHaven, Evans, Gibbons, Hendricks, Hopkins, Irwin, Kent, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, and Turner—21.

On the adoption of the amendment offered by Mr. Tuttle, the ayes and noes were demanded by the requisite number, and the Senate refused, by the following vote:

AYES—Messrs. Andross, Bartlett, Duffy, Finney, Fraser, Garratt, Graves, Keys, Neff, Roach, and Tuttle—11.

NOES—Messrs. Beck, Bush, Crane, DeHaven, Dyer, Eakin, Edgerton, Evans, Farley, Gibbons, Goodale, Hendricks, Hopkins, Irwin, Kent, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, O'Connor, Pendegast, Perkins, Spencer, and Turner—27.

Mr. Laine offered an amendment, as follows:

Amend section one by adding after the words "shall be," and before the word "formed," the following: "and hereby is."

Lost.

Mr. Tuttle offered an amendment, as follows:

Amend section thirteen by adding the following words at the end of the section: "All indebtedness of Monterey County, existing at the time this Act takes effect, must be equitably adjusted between the two counties according to the value of property in each."

On its adoption, the ayes and noes were demanded by Messrs. Finney, Duffy, and Neff, and the Senate refused, by a vote as follows:

AYES—Messrs. Andross, Bartlett, Duffy, Edgerton, Farley, Finney, Fraser, Garratt, Goodale, Graves, Hendricks, Keys, Roach, and Tuttle—14.

NOES—Messrs. Beck, Bush, Crane, DeHaven, Dyer, Eakin, Evans, Gibbons, Hopkins, Irwin, Kent, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Spencer, and Turner—24.

Read a third time and passed.

Mr. Edgerton gave notice, that on to-morrow he would move to reconsider the vote by which the bill passed.

#### RESOLUTION.

Mr. Keys, by leave, offered a resolution, as follows:

*Resolved*, That the Engrossing Clerk of the Senate be and he is hereby authorized and required to correct a clerical error in Senate Bill No. 182—"An Act to provide for the building of a school house in Oak Dale School District, in the County of Stanislaus, State of California"—by inserting the words "shall be" after the word "District," in line six, of section eighteen.

Adopted.

At four o'clock and forty minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER,  
Thursday, February 5th, 1874. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### LEAVE OF ABSENCE.

Mr. Finney was granted leave of absence for one day.

#### PETITION.

Mr. Lindsey presented a petition from citizens and taxpayers of Tulare County, against the formation of the County of Manache.

Received, and referred to the Committee on Counties and County Boundaries.

#### REPORTS.

Reports were submitted as follows:

By Mr. Graves:

MR. PRESIDENT: The Committee on Federal Relations, to which was referred Senate Concurrent Resolution No. 25—on Chinese immigration under the Burlingame Treaty—have considered said resolution, and report it back, and recommend its passage.

Your committee have also considered Senate Joint Resolution No. 34—relative to the establishment of a penal colony in Alaska—and report it back, and recommend its passage.

W. J. GRAVES, Chairman.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Contingent Expenses, having had under consideration the request of the Committee on Corporations for a clerk, respectfully recommend the adoption of the following resolution.

McMURRY, Chairman.

*Resolved*, That the Committee on Corporations be and they are hereby authorized to appoint a clerk, at a per diem of five dollars, payable out of the appropriation for contingent expenses of the Senate.

Adopted.

By Mr. Bush:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 186—An Act to quiet title to certain lands in Napa and Solano Counties.

Also, Senate Joint Resolution No. 35—asking for the repeal of the Act of Congress fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress.

BUSH, for Committee.

By Mr. Perkins:

MR. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 163—An Act to provide for the payment of principal



and interest of Indian War Bonds Numbers Three Hundred and Forty-seven, Three Hundred and Forty-eight, and Three Hundred and Forty-nine. This bill is for the payment of three bonds issued in eighteen hundred and fifty-four as evidence of the old Indian war debt, a full history of which is given in the report of the Joint Committee of the Senate and Assembly on the Indian war indebtedness, at the last session of the Legislature. While the committee recognize there is equity in this claim, and believe the State is in honor bound to make some disposition of this class of her obligations, yet they cannot recommend that one creditor should be preferred over another because of his zeal in the advocacy of his own interests. We, therefore, respectfully recommend that the bill do not pass.

Also, Senate Bill No. 200—An Act for the relief of D. H. Norris—and recommend that it do not pass.

Also, Senate Bill No. 194—An Act to pay the claim of Patrick Kearns.

Also, Senate Bill No. 196—An Act to pay the claim of Newton Benedict.

And respectfully report the same back, and recommend their passage.

PERKINS, Chairman.

By Mr. Pendegast:

Mr. PRESIDENT: The Napa delegation, to whom was referred Senate Bill No. 174—An Act reorganizing the Board of Supervisors of Napa County, and for other purposes—having carefully considered the same, and after obtaining, as nearly as possible, a full expression of opinion thereon from the people immediately affected, now report the same back to the Senate, and respectfully recommend its passage.

PENDEGAST, for Delegation.

The rules were suspended, and the above reported bill ordered on the General File.

By Mr. Gibbons:

Mr. PRESIDENT: The delegation from Alameda County, to whom was referred Assembly Bill No. 196—An Act entitled an Act ratifying and confirming the action of the Common Council of the City of Oakland, for the relief of Perry Johnson, City Marshal of said city—beg leave to report the same back and recommend its passage.

GIBBONS, for Delegation.

The bill, above reported, was referred to the Committee on Claims.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 5th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate

Bill No. 13—An Act to separate the office of County Recorder from the office of County Clerk, in the County of Tulare.

Also, Senate Bill No. 36—An Act supplementary to an Act approved March thirtieth, eighteen hundred and seventy-two, entitled an Act to provide the City of Sacramento with a better supply of water.

Also, Senate Bill No. 30—An Act concerning conveyances in the County of Santa Barbara.

NEWTON BOOTH,  
Governor.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
February 4th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the third day of February, passed Assembly Bill No. 109—An Act to amend section three thousand three hundred and eighty-two of the Political Code.

Also, Assembly Bill No. 138—An Act to provide for the payment of the Architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco.

Also, passed, under suspension of the rules, Assembly Bill No. 160—An Act to amend an Act entitled an Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County, approved February twenty-seventh, eighteen hundred and sixty-six.

Also, on this day, passed Substitute for Assembly Bill No. 145—An Act to provide for the collection of certain unpaid taxes in Fresno County.

Also, Assembly Bill No. 210—An Act to regulate official fees and salaries in the County of San Bernardino.

Also, Assembly Bill No. 211—An Act to amend an Act entitled an Act to better define the boundary line between Mariposa and Fresno Counties, approved April first, A. D. eighteen hundred and seventy-two.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 4th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended and passed Senate Bill No. 112—An Act to amend section fifty-eight of the Code of Civil Procedure.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 109, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 138, above reported, read first and second times, and referred to the San Francisco delegation.

Assembly Bill No. 160, above reported, read first and second times, and referred to the delegation named in the bill.

Substitute for Assembly Bill No. 145, above reported, read first and second times, and referred to the Fresno County delegation.

Assembly Bill No. 110, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 211, above reported, read first and second times, and referred to the delegation named in the bill.

Senate Bill No. 112, above reported, the Assembly amendments to the bill concurred in.

[President in the chair.]

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Keys—An Act to indemnify bona fide settlers on the Yosemite Grant.

Read first and second times, and referred to the Judiciary Committee.

Also, An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Stanislaus.

Read first and second times, and referred to the delegation.

By Mr. Graves—An Act to provide funds for the Town of San Luis Obispo.

Read first and second times, and referred to the Committee on Corporations.

By Mr. O'Connor (at the request of Mr. DeHaven)—An Act to amend an Act entitled an Act to provide for the manner of auditing claims against the County of Humboldt, and to provide for the reduction of taxation therein, and expenses thereof, approved April first, eighteen hundred and seventy.

Read first and second times, and referred to the Committee on State and County Revenue.

By Mr. Turner—An Act to protect fish in the Counties of Plumas and Sierra.

Read first and second times, and ordered on file.

Also, An Act to amend section six hundred and thirty-two of the Penal Code.

Read first and second times, and ordered on file.

By Mr. Pendegast—An Act to amend the Code of Civil Procedure of the State of California.

Read first and second times, and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Keys offered a resolution, as follows:

*Resolved*, That the Engrossing Clerk be and he is hereby instructed to correct an error in Senate Bill No. 111, by adding the figures seventy-six after the figure two, in line five of section one.

Adopted.

In accordance with notice given by Mr. Edgerton on yesterday, Mr. McMurry moved to reconsider the vote by which the Senate passed

Assembly Bill No. 108—An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization—on which the ayes and noes were demanded by Messrs. Evans, Beck, and Lindsey, and the Senate refused to reconsider, by the following vote:

AYES—Messrs. Andross, Garratt, and Graves—3. \*

NOES—Messrs. Bartlett, Beck, Bush, Crane, Dyer, Eakin, Evans, Farley, Fraser, Goodale, Hendricks, Hopkins, Kent, Keys, Laine, Lindsey, Martin, McCune, McKusick, McMurry, O'Connor, Pendegast, Perkins, Spencer, and Turner—25.

#### GENERAL FILE.

Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of The People of the State of California vs. Horace Smith.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Evans, Crane, and Eakin, and it passed, by the following vote:

AYES—Messrs. Andross, Beck, Bush, Duffy, Eakin, Fraser, Garratt, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Lindsey, Martin, McCune, McMurry, O'Connor, Pendegast, and Turner—20.

NOES—Messrs. Bartlett, Crane, Evans, Goodale, Laine, McKusick, and Spencer—7.

Senate Bill No. 169—An Act authorizing and requiring the State Treasurer to commence civil actions, on behalf of the State of California, against certain persons therein named.

Recommitted to the Judiciary Committee.

Senate Bill No. 66—An Act to repeal sections six hundred and eighty-four and six hundred and eighty-five of the Political Code of the State of California.

Read third time and passed.

Senate Bill No. 76—An Act for the relief of A. A. Bennett.

Read third time and passed.

Assembly Bill No. 87—An Act in relation to Swamp Land District Number One Hundred and Fifty.

Recommitted to the Judiciary Committee.

Assembly Bill No. 62—An Act to repeal an Act entitled an Act to provide for the protection from overflow by Putah Creek of certain lands in the Counties of Yolo and Solano, approved April first, eighteen hundred and seventy-two.

Read third time and passed.

Assembly Bill No. 156—An Act to amend an Act entitled an Act for the protection of fish in the waters of Butte Creek, in the County of Butte, approved February twenty-first, eighteen hundred and seventy-two.

Amendment adopted, read third time and passed.

Senate Bill No. 209—An Act to fix the fees of the County Surveyor of Napa County.

Rules suspended, considered engrossed, read third time and passed.



Assembly Bill No. 159—An Act to amend an Act entitled an Act for the suppression of Chinese houses of ill-fame.

Read third time and passed.

Senate Bill No. 140—An Act granting additional powers to the Loan Commissioners, constituted by an Act approved April second, eighteen hundred and seventy.

Amendment adopted, and ordered engrossed.

Senate Bill No. 144—An Act for the redemption of unused and uncanceled stamps heretofore sold by the State of California.

Recommitted to the Committee on Finance.

Assembly Bill No. 151—An Act to appropriate money for the relief of General J. A. Sutter.

On motion of Mr. Laine, passed on the file until next Tuesday.

Senate Bill No. 184—An Act to change the present boundaries of the City of Sacramento.

Substitute adopted, and ordered engrossed.

Senate Bill No. 153—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico, Butte County, California.

Amendment adopted, and ordered engrossed.

[Mr. Evans in the chair.]

Senate Bill No. 78—An Act to repeal in part an Act entitled an Act to release the claim of the State of California to certain lands in township eleven, range four east, Mount Diablo base and meridian.

Recommendation of the committee that the bill do not pass, adopted.

Senate Bill No. 215—An Act fixing the compensation of certain officers of Humboldt County.

Referred to the Siskiyou County delegation.

Assembly Bill No. 78—An Act regulating the salaries of certain officers of Mariposa County.

Read third time and passed.

Senate Bill No. 83—An Act to legalize certain bonds of the City of San Diego, and to provide for the payment of interest thereon, and for the redemption thereof.

Ordered to head of General File for Tuesday next.

Senate Bill No. 89—An Act to amend certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, concerning the publication of the Reports of the Supreme Court.

Considered in Committee of the Whole.

In Senate, amendment adopted in Committee of the Whole concurred in.

Ordered engrossed.

Senate Bill No. 108—An Act to amend the Penal Code.

Amendments offered by the Judiciary Committee adopted, rules suspended, considered engrossed, and by unanimous consent read third time and passed.

Rules ordering the bill engrossed suspended, and the bill ordered transmitted immediately to the Assembly.

Senate Bill No. 25—An Act to amend section eleven hundred and seventy-four of the Penal Code.

Recommendation of the committee, that the bill do not pass, adopted.

Senate Bill No. 183—An Act to remove from Henry Meiggs certain legal disabilities.

Passed on file.

## REPORT.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 112—An Act to amend section fifty-eight of the Code of Civil Procedure—and have presented the same to his Excellency the Governor for his approval, this day, at one o'clock P. M.

McMURRY, Chairman.

## GENERAL FILE RESUMED.

Senate Bill No. 191—An Act to repeal section one of an Act supplementary to and amendatory of an Act to protect agriculture, etc., approved April first, eighteen hundred and seventy-two.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Concurrent Resolution No. 12—relative to establishing the boundary line between Del Norte County, California, and Curry County, Oregon.

Read a third time and adopted.

Mr. Irwin, by leave, presented a petition from the citizens of Klamath County, in reference to abolishing the organization of said county.

Received, and referred to the delegation from Humboldt, Klamath, Del Norte, and Siskiyou.

Mr. Graves asked leave to withdraw from the possession of the Senate a remonstrance in reference to the division of Monterey County.

Agreed to unanimously.

Mr. Irwin (by request of Mr. Tuttle), had leave to introduce a bill as follows: An Act supplementary to an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

## REPORT.

Mr. Beck, by leave, submitted a report, as follows:

MR. PRESIDENT: The Committee on Mileage beg leave to report that they find that the following Senators are entitled to the sums set opposite their respective names, as mileage for traveling on duty as members of the Hospital Committee, to wit:

Bush.....	\$54 30
Keys .....	54 30
Goodale .....	54 30
Martin.....	54 30
Perkins .....	54 30
Eakin .....	54 30
Crane .....	54 30

And recommend the adoption of the following resolution:

*Resolved*, That Senators Bush, Keys, Goodale, Martin, Perkins, Eakin, and Crane be each allowed the sum of fifty-four dollars and thirty cents, to be paid out of the appropriation for the contingent expenses of the Senate, and the Controller be directed to draw his warrants in their favor for said sums.

BECK,  
Chairman Committee on Mileage.

The resolution was adopted.

At one o'clock and thirteen minutes P. M., on motion of Mr. Lindsey, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Friday, February 6th, 1874. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Mr. Boggs was granted leave of absence for the remainder of the week.

## PETITION.

Mr. Bush presented a petition from citizens of the City of Los Angeles, in reference to a public library in said city.

Received, and referred to the Committee on Education.

## REPORTS.

Reports were submitted as follows:

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 173—An Act to incorporate the City of Eureka.

Also, Senate Concurrent Resolution No. 39—Asking Congress to establish a mail route in Sonoma County, and a Postoffice at Donahue, in said county.

Also, Senate Bill No. 111—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

Also, Senate Bill No. 182—An Act to provide for the building of a school house in Oak Dale School District, in the County of Stanislaus, State of California.

NEFF, Chairman.

By Mr. Duffy:

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 8—An Act supplementary to an Act

concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two—have had the same under consideration, report the bill back, and respectfully recommend that it do not pass.

DUFFY, for Committee.

By Mr. Farley:

MR. PRESIDENT: The Committee on Corporations have had under consideration Senate Bill No. 123—"An Act to authorize the corporation of the City of Los Angeles to issue bonds to purchase railroad depot and workshop grounds"—and report the same back, and recommend that it do not pass, for the following reasons:

First—The facts presented to the committee in favor of the passage of the bill, show that the indebtedness to pay which (the bonds proposed to be issued), was created without the authority of law.

Second—That in the opinion of a majority of the committee, it would be, if not directly, indirectly granting a subsidy to a railroad corporation, and taxing the people of the City of Los Angeles to pay the same, which, in the opinion of the committee, would be unjust and improper legislation.

FARLEY, Chairman.

By Mr. Farley:

MR. PRESIDENT: The Committee on Corporations have had under consideration Senate Bill No. 82—"An Act to incorporate the City of Visalia, and to provide for public schools therein"—report a substitute therefor, and recommend the adoption and passage of the substitute.

Also, Senate Bill No. 188—"An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of Kings River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two"—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 90—"An Act to incorporate the Town of San Rafael"—and recommend that it do not pass.

Also, Assembly Bill No. 146—"An Act to incorporate the Town of Castroville, Monterey County, California"—and recommend that it do not pass.

Also, Senate Joint Resolution No. 17—"relative to restoring the odd sections reserved for the Atlantic and Pacific Railroad in the Counties of San Luis Obispo, Monterey, Santa Cruz, Santa Clara, San Mateo, and San Francisco, to preëmption and homestead entry"—and recommend the passage thereof.

FARLEY, Chairman.

Mr. DeHaven, for the Humboldt and Del Norte delegation, verbally reported:

Assembly Bill No. 85—An Act to authorize the Board of Supervisors of Del Norte County to transfer certain funds;

Also, Assembly Bill No. 101—An Act amendatory of an Act entitled an Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved March twenty-sixth, eighteen hundred and seventy;

Also, Assembly Bill No. 94—An Act to authorize the Board of Supervisors of Humboldt County to transfer certain funds;

And recommended the passage of the bills.



By Mr. Keys:

Mr. PRESIDENT: The delegation to whom was referred Assembly Bill No. 211—An Act to amend an Act to better define the boundary line between Mariposa and Fresno Counties, approved April first, A. D. eighteen hundred and seventy-two—have had the same under consideration, and now report the bill back and recommend its passage.

LINDSEY,  
KEYS,  
Delegation.

On motion of Mr. Lindsey, the rules were suspended, and the above reported bill ordered on the General File.

By Mr. Lindsey:

Mr. PRESIDENT: The Fresno delegation, to whom was referred Assembly Bill No. 145—An Act to provide for the collection of certain unpaid taxes in Fresno County—have had the same under consideration, and now report the bill back and recommend its passage.

LINDSEY, for Delegation.

On motion of Mr. Lindsey, the rules were suspended, and the bill above reported ordered on the General File.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 5th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 112—An Act to amend section fifty-eight of the Code of Civil Procedure.

NEWTON BOOTH,  
Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. DeHaven—An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight.

Read first and second times, and referred to Committee on Corporations.

By Mr. Keys—An Act to add five additional Notaries Public in Stanislaus County.

Read first and second times, and ordered on file.

By Mr. Fraser—An Act to authorize and empower the Auditor of El Dorado County to allow certain claims against the county.

Read first and second times, and referred to the Committee on State and County Revenue.

By Mr. Pendegast—An Act to make women eligible to educational offices.

Read first and second times, and referred to the Committee on Education.

By Mr. Bush—An Act to provide for a Public Library in the City of Los Angeles.

Read first and second times, and referred to Committee on Education.

By Mr. Hendricks—An Act to amend section three thousand nine hundred and twenty-two of the Political Code.

Read first and second times, and referred to the delegations from Butte and Colusa Counties.

By Mr. Irwin—An Act supplemental to an Act entitled an Act supplementary to an Act concerning Public Ferries and Toll Bridges, approved April twenty-eighth, eighteen hundred and fifty-five—approved April fourth, eighteen hundred and seventy.

Read first and second times, and ordered on file.

By Mr. Tuttle—An Act to authorize the repayment of moneys erroneously paid into the State Treasury by the Treasurer of Sonoma County.

Read first and second times, and referred to the Committee on Finance.

By Mr. Graves—An Act to amend certain sections of the Political Code concerning the government of cities.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Irwin—A joint resolution, asking Congress for right of way for a tunnel, and for title to that part of the bed of Klamath River which will be drained by said tunnel.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Evans offered a resolution, as follows:

WHEREAS, There is an agreed case now pending in the Supreme Court of this State, in which the State has a pecuniary interest, to wit: the case of John Lord Love vs. Frederick Baehr, State Treasurer, which involves the legality of the payments heretofore made to the present Board of Examiners as salaries; and whereas, the State is not represented in said case, the Attorney General being a party therein; therefore, be it

*Resolved*, That Messrs. Pendegast and Lafne, of this body, be and they are hereby requested to appear for the State in said case, and to argue and conduct the same on behalf of the respondent.

Adopted.

#### GENERAL FILE.

Senate Bill No. 186—An Act to quiet title to certain lands in Napa and Solano Counties.

Read third time and passed.

Senate Joint Resolution No. 34—relative to the establishment of a Penal Colony in Alaska.

Ordered engrossed.

[Mr. Keys in the chair.]

Senate Concurrent Resolution No. 25—on Chinese immigration and the Burlingame treaty.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 163—An Act to provide for the payment of principal and interest of California Indian war bonds numbers three hundred and forty-seven, three hundred and forty-eight, and three hundred and forty-nine.

Recommendation of the committee that "the bill do not pass," adopted.

Senate Bill No. 200—An Act for the relief of D. H. Norris.

Recommendation of the committee that "the bill do not pass," adopted.

Senate Bill No. 194—An Act to pay certain claims in favor of Patrick Kearns.

Ordered engrossed.

Senate Bill No. 196—An Act to pay the claim of Newton Benedict.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 174—An Act reorganizing the Board of Supervisors of Napa County, and for other purposes.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 223—An Act to protect fish in the Counties of Plumas and Sierra.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 224—An Act to amend section six hundred and thirty-two of the Penal Code.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 183—An Act to remove from Henry Meiggs certain legal disabilities.

Recommitted to the Judiciary Committee.

On motion of Mr. Farley, the rules were suspended, and Senate Joint Resolution No. 17—"relative to restoring the odd sections reserved for the Atlantic and Pacific Railroad, in the Counties of San Luis Obispo, Monterey, Santa Cruz, Santa Clara, San Mateo, and San Francisco, to preemption and homestead entry"—taken up.

Rules further suspended, considered engrossed, read third time, and adopted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 6th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under a suspension of the rules, Assembly Concurrent Resolution No. 32—instructing our Senators and requesting our Representatives in Congress to oppose the passage of the Santillion Land Grant, now pending in Congress—and ordered it immediately transmitted to the Senate.

JOHN WEBBER,  
Assistant Clerk.

Assembly Concurrent Resolution No. 32, above reported, read first and second times, rules suspended, and by unanimous consent, read third time and adopted.

Mr. Tuttle submitted the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 172—An Act to add a new section to the Penal Code.

Also, Senate Bill No. 167—An Act in relation to the care of orphan and abandoned children.

TUTTLE, of Committee.

At twelve o'clock and thirty-five minutes P. M., on motion of Mr. McCune, the Senate took a recess until one o'clock P. M.

#### REASSEMBLED.

The Senate reassembled at one o'clock P. M.

President in the chair.

Roll called, and a quorum present.

#### SPECIAL ORDER.

Senate Bill No. 144—An Act to provide for the payment of certain indebtedness against the State.

Mr. Irwin moved to reconsider the vote by which the bill was ordered engrossed, on which the ayes and noes were demanded by Messrs. Bartlett, McKusick, and Laine, and the motion prevailed, by the following vote:

AYES—Messrs. Bartlett, Bush, DeHaven, Edgerton, Fraser, Garratt, Goodale, Graves, Hendricks, Irwin, Laine, Martin, McCune, McMurry, Perkins, Roach, Spencer, and Tuttle—18.

NOES—Messrs. Andross, Beck, Dyer, Eakin, Evans, Farley, Finney, Gibbons, Hopkins, Kent, Keys, Lindsey, McKusick, O'Connor, Pendegast, and Turner—16.

Mr. Irwin moved to recommit the bill to the Committee on Claims, and that said committee be authorized to employ an expert, for the purpose of examining the bill, item by item.

Lost.

Mr. Laine offered the following amendment:

"Amend by striking out the whole of section two."

On which the ayes and noes were demanded by Messrs. McKusick, McCune, and Pendegast, and the amendment was lost, by the following vote:

AYES—Messrs. Bartlett, Bush, DeHaven, Edgerton, Fraser, Goodale, Graves, Laine, Martin, McCune, McKusick, O'Connor, Perkins, and Roach—14.

NOES—Messrs. Andross, Beck, Dyer, Eakin, Evans, Farley, Finney, Garratt, Gibbons, Hendricks, Hopkins, Irwin, Kent, Keys, Lindsey, Pendegast, Turner, and Tuttle—18.

On the engrossment of the bill the ayes and noes were demanded by



Messrs. McKusick, Bartlett, and Goodale, and the bill was ordered engrossed, by a vote as follows:

AYES—Messrs. Andross, Beck, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Gibbons, Hopkins, Irwin, Kent, Keys, Lindsey, McMurry, Pendegast, Spencer, and Turner—18.

NOES—Messrs. Bartlett, Bush, DeHaven, Fraser, Garratt, Goodale, Graves, Hendricks, Laine, Martin, McCune, McKusick, O'Connor, Perkins, Roach, and Tuttle—16.

At four o'clock and fifty-three minutes p. m., on motion of Mr. Keys, the Senate adjourned.

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## IN SENATE.

SENATE CHAMBER,  
Saturday, February 7th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Messrs. McKusick, O'Connor, McCoy, and Fraser, were granted leave of absence for one day each.

Mr. Pendegast presented a memorial from the Regents of the University of California, requesting the creation of a joint committee to examine into matters concerning instruction and the management of the University.

Received, and laid on the table.

## REPORTS.

Reports were submitted as follows:

By Mr. Graves:

MR. PRESIDENT: The Committee on Federal Relations, to which was referred Senate Concurrent Resolution No. 18—requesting Congress to grant certain lands to the State of California—have had the same under consideration, and report it back without recommendation.

GRAVES, Chairman.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 209—An Act to fix the fees of the Surveyor of Napa County.

Also, Senate Bill No. 140—An Act granting additional powers to the Loan Commissioners constituted by an Act approved April second, eighteen hundred and seventy.

Also, Senate Bill No. 184—An Act to change the present boundaries of the City of Sacramento.

Also, Senate Bill No. 89—An Act to amend certain sections of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, concerning the publication of the Reports of the Supreme Court of the State of California.

Also, Senate Bill No. 191—An Act to repeal section one of an Act supplementary to and amendatory of an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-eighth, eighteen hundred and sixty-eight, approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No. 226—An Act supplementary to an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two.

TUTTLE,  
For the Committee.

By Mr. Laine:

MR. PRESIDENT: The Committee on Public Expenditures, to whom was referred the petition of the Ladies' Benevolent Society of the City of Sacramento, asking for State aid, having given the matter their patient consideration, respectfully submit the following report:

[For report, see Appendix.]

We, therefore, recommend that the Legislature refuse not only the aid prayed for in this petition but all others of like character.

On motion of Mr. Laine, the report was ordered printed.

By Mr. Crane:

MR. PRESIDENT: The Yuba delegation, to whom was referred Assembly Bill No. 191—An Act to provide for the protection of lands from overflow in the County of Yuba—respectfully report the same back, and recommend its passage.

CRANE,  
SPENCER,  
For Delegation.

Rules suspended, and the bill above reported ordered on the General File.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 6th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the fourth day of February, under a suspension of the rules, passed Assembly Bill No. 253—An Act to repeal all special road laws in the County of Contra Costa.

Also, on this date, passed Assembly Bill No. 198—An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

Also, Assembly Bill No. 201—An Act concerning lands situate within and belonging to the City and County of San Francisco.

Also, Assembly Bill No. 202—An Act to authorize the Controller of State to issue duplicate warrants to J. F. Bailey.

Also, Assembly Bill No. 221—An Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte, approved March fourth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 223—An Act restricting the herding of sheep to certain pastures, in Nevada County.

Also, Assembly Bill No. 227—An Act to authorize the construction of a wagon road from Cushenburg Springs, in the County of San Bernardino, to the Holcomb Valley mines, in said county.

Also, Assembly Bill No. 233—An Act granting leave of absence to C. Burden, Public Administrator and Coroner of the County of Tuolumne.

Also, Assembly Bill No. 234—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as the same relates to Santa Cruz County.

Also, Assembly Bill No. 237—An Act to protect agriculture in the County of Butte.

Also, Assembly Bill No. 208—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Los Angeles, and in the County of San Diego, and parts of Monterey County, approved February fourteenth, eighteen hundred and seventy-two, and to repeal an Act amendatory thereof, approved March fifth, eighteen hundred and seventy-two.

Also, Senate Bill No. 92—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to provide for the incorporation of colleges.

Also, Senate Bill No. 65—An Act to repeal the several special road laws in the County of Santa Clara, in the State of California.

Also, that the Assembly concurred in Senate amendment to Assembly Concurrent Resolution No. 8—relative to lands granted to the Stockton and Copperopolis Railroad.

Also, concurred in Senate amendment to Assembly Bill No. 156—An Act to amend an Act entitled an Act for the protection of fish in the waters of Butte Creek, approved February twenty-first, eighteen hundred and seventy-two.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bills Nos. 253, 227, 221, 233, and 237, above reported, read first and second times, and referred to the delegations named in the bills.

Assembly Bill No. 198, above reported, read first and second times, and referred to the Committee on Education.

Assembly Bill No. 201, above reported, read first and second times, and referred to the Committee on Public Lands.

Assembly Bills Nos. 234, 208, and 223, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly Bill No. 202, above reported, read first and second times, and referred to the Committee on Claims.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—to add a new section thereto, to be known as section four thousand and forty-seven.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Tuttle—An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma, approved March twenty-third, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Finance.

By Mr. Graves—An Act to amend section fourteen hundred and ninety-three of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Laine—An Act to amend sections four thousand two hundred and thirty-four, four thousand two hundred and thirty-five, four thousand two hundred and thirty-six, and four thousand two hundred and thirty-eight of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Pendegast—An Act to authorize the County Treasurer of Napa County to pay certain warrants drawn by the Auditor of Napa County out of the General Road Fund of said county.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Eakin—An Act to prescribe the term of the Supervisors in the County of Tuolumne.

Read first and second times, and referred to the Tuolumne delegation.

## MOTIONS, RESOLUTIONS, AND NOTICES.

## IN MEMORIAM.

By Mr. Roach:

*Resolved*, That on the adjournment of this Senate to-day, it do adjourn until Monday next, at two o'clock and thirty minutes P. M., in honor and out of respect to the memory of Judge Pablo de la Guerra.

Adopted unanimously.

By Mr. Pendegast:

*Resolved by the Senate, the Assembly concurring*, That a joint committee be appointed of three members of the Senate and five members of the Assembly, with power to send for persons and papers, to inquire and report:

1. What instruction has been given in agriculture and the mechanic arts in the University of California; whether the same has been defective or not; and if defective, wherein such defects consist; and what is the cause as well as the remedy of such defect.

2. What has been the management by the Regents of the University of California of the one hundred and fifty thousand acres of agricultural lands donated by Congress to the State of California, and by the State to the University; whether the same has been defective or not; and if



defective, wherein such defect existed; and what is the cause as well as the remedy of such defects.

3. Whether or not the Regents of the University have properly administered the funds of the University which have been entrusted to them; and if not, in what particulars.

4. Also, upon any other matters relating to the University, upon which, in the opinion of the committee, further information may be of use to the Legislature, or to the public.

**Adopted.**

#### GENERAL FILE.

Senate Bill No. 111—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

The Senate refused to adopt the recommendation of the committee "that the bill do not pass."

Read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Pendegast, Goodale, and Bush, and the Senate refused to pass the bill, by the following vote:

**AYES**—Messrs. Crane, Dyer, Evans, Hendricks, Keys, Martin, McMurry, Neff, Perkins, and Spencer—10.

**NOES**—Messrs. Bartlett, Boggs, Bush, Edgerton, Farley, Garratt, Goodale, Graves, Irwin, Kent, Laine, Lindsey, McCune, Pendegast, Roach, and Turner—16.

Mr. Kent gave notice that on Monday next he would move to reconsider the vote by which the Senate refused to pass the bill.

Senate Bill No. 172—An Act to add a new section to the Penal Code.

Read third time and passed.

Senate Bill No. 167—An Act in relation to the care of orphan and abandoned children.

Read third time and passed.

Assembly Bill No. 8—An Act supplementary to an Act entitled an Act concerning roads in the County of Humboldt.

Recommendation of the committee, that the bill do not pass, adopted.

Senate Bill No. 123—An Act to authorize the City of Los Angeles to issue bonds to purchase railroad depot and workshop grounds.

Passed on the General File for Friday next.

Senate Bill No. 82—An Act to incorporate the City of Visalia, and to provide for public schools therein.

Substitute adopted, and ordered engrossed.

Senate Bill No. 188—An Act to amend an Act entitled an Act to authorize certain persons to improve a certain portion of Kings River, and to erect booms thereon.

Passed on the General File for the seventeenth instant.

Assembly Bill No. 90—An Act to incorporate the Town of San Rafael. Ordered to top of the General File for Wednesday next, the eleventh instant.

Assembly Bill No. 146—An Act to incorporate the Town of Castroville, Monterey County, California.

Passed on the General File for Wednesday next.

## REPORT.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 65—entitled an Act to repeal the several special road laws in the County of Santa Clara, in the State of California;

Also, Senate Bill No. 92—entitled an Act to amend an Act supplementary to an Act entitled an Act to provide for the incorporation of colleges, approved April twentieth, eighteen hundred and fifty, approved January eighth, eighteen hundred and seventy-two;

And have presented the same to his Excellency the Governor, for his approval, this day, at twelve o'clock M.

McMURRY, Chairman.

## GENERAL FILE.

Assembly Bill No. 85—An Act to authorize the Board of Supervisors of Del Norte County to transfer certain funds.

Also, Assembly Bill No. 101—An Act amendatory of an Act entitled an Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved March twenty-sixth, eighteen hundred and seventy.

Also, Assembly Bill No. 94—An Act to authorize the Board of Supervisors of Humboldt County to transfer certain funds.

Rules suspended requiring the bills to go to the Standing Committee, read third time, and passed.

Assembly Bill No. 211—An Act to amend an Act entitled an Act to better define the boundary line between Mariposa and Fresno Counties.

Read third time, and passed.

Substitute for Assembly Bill No. 145—An Act to provide for the collection of certain unpaid taxes in Fresno County.

Read third time, and passed.

Subsequently, on motion of Mr. Farley, the rules were suspended, vote passing the bill was reconsidered, and referred to the Judiciary Committee.

Senate Bill No. 228—An Act to add five additional Notaries Public in Stanislaus County.

Also, Senate Bill No. 233—An Act supplemental to an Act entitled an Act supplementary to an Act concerning public ferries and toll bridges.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 110—An Act to provide for a State census in eighteen hundred and seventy-five.

Passed on file.

Mr. Irwin, for the delegation, by leave, verbally reported, without recommendation, Senate Bill No. 215—An Act fixing the compensation of certain officers of the County of Humboldt.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Evans, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Monday, February 9th, 1874. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Messrs. Andross and Garratt were granted leave of absence for one day.

## REPORTS.

Reports were submitted as follows:

By Mr. Gibbons:

Mr. PRESIDENT: The Committee on Education, to whom was referred Senate Bill No. 230—An Act to make women eligible to educational offices—beg leave to report back the same, and recommend its passage.

Also, the passage of Assembly Bill No. 198—An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano—with the accompanying amendments.

Also, Senate Bill No. 56—An Act to amend certain sections of, to repeal certain sections of, and to add certain new sections to, the Political Code of the State of California—without recommendation, but with the accompanying amendments, which the committee have agreed upon.

Also, Senate Bill No. 18—An Act to enforce the education of children—without recommendation.

GIBBONS, Chairman.

By Mr. Tuttle:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 153—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico, Butte County, California, approved January eighth, eighteen hundred and seventy-two.

Also, Senate Concurrent Resolution No. 25—on Chinese immigration under the Burlingame treaty.

Also, Senate Concurrent Resolution No. 34—relative to the establishment of a penal colony in Alaska.

Also, Senate Bill No. 194—An Act to pay certain claims in favor of Patrick Kearns.

Also, Senate Bill No. 196—An Act to pay the claim of Newton Benedict.

Also, Senate Bill No. 174—An Act reorganizing the Board of Supervisors of Napa County, and for other purposes.

Also, Senate Bill No. 223—An Act to protect fish in the Counties of Plumas and Sierra.

Also, Senate Bill No. 224—An Act to amend section six hundred and thirty-two of the Penal Code.

Also, Senate Joint Resolution No. 17—relative to restoring the odd sections reserved for the Atlantic and Pacific Railroad in the Counties

of San Luis Obispo, Monterey, Santa Cruz, Santa Clara, San Mateo, and San Francisco, to preëmption and homestead entry.

Also, Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State.

TUTTLE, for Committee.

By Mr. Duffy:

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 192—An Act to provide for the location, construction, and maintenance of public roads in the County of Tulare—have had the same under consideration, and now report the bill back, and recommend its passage.

DUFFY, for Committee.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 170—An Act to amend an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two—have had the same under consideration, and now report the bill back, and recommend its passage.

DUFFY, for Committee.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 9th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the seventh day of February, adopted Senate Concurrent Resolution No. 41—relative to the State University.

Also, adopted Assembly Concurrent Resolution No. 36—relative to suspending Joint Rule Number Twenty.

Also, passed Substitute for Assembly Bill No. 38—An Act to legalize the appointment of Commissioners for Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County, and to validate certain acts of said Commissioners.

Also, Substitute for Assembly Bill No. 72—An Act to provide for the election of Supervisors in the County of San Bernardino.

Also, Substitute for Assembly Bill No. 107—An Act to repeal subdivision second of section one hundred and fifteen of the Code of Civil Procedure.

Also, Substitute for Assembly Bill No. 186—An Act to amend section two hundred and fifty-five of the Political Code.

Also, Assembly Bill No. 192—An Act to add additional sections to the Political Code relating to costs in criminal cases.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 36, above reported, referred to the Committee on Rules.



Substitute for Assembly Bill No. 38, above reported, read first and second times, and referred to the Judiciary Committee.

Substitute for Assembly Bill No. 72, above reported, read first and second times, rules suspended, read third time, and passed by unanimous consent.

Substitutes for Assembly Bills Nos. 107 and 186, and Assembly Bill No. 192, above reported, read first and second times, and referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Pendegast—An Act to regulate the salaries and fix the compensation of certain officers in the County of Napa.

Read first and second times, and referred to the delegation named in the bill.

#### MOTION.

On motion of Mr. Pendegast, the rules were suspended and the Chair authorized to appoint the Senate Committee, under Senate Concurrent Resolution No. 41, relative to State University affairs.

#### LEAVE OF ABSENCE.

Mr. Pendegast was granted leave of absence for two days.

#### INTRODUCTION OF BILLS RESUMED.

By Mr. Lindsey—An Act to provide for the payment of the indebtedness of Swamp Land District Number Six, in Tulare County.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Gibbons—An Act to abolish the office of County Assessor, in the County of Alameda, and to create township officers instead.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent, read third time and passed.

Rules further suspended, and the bill ordered transmitted immediately to the Assembly.

By Mr. Keys—An Act for the relief of George W. Branch.

Read first and second times, and, with accompanying vouchers, referred to the Committee on Claims.

By Mr. McCoy—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March second, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on State and County Revenue.

By Mr. Boggs—An Act to amend section four thousand and seventy-three of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McCune (by request)—An Act granting leave of absence to Abraham Powell, Supervisor for the First Supervisor District of the County of Solano.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Bush—An Act to amend section nine hundred and seventy-seven of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.  
By Mr. Irwin—An Act to protect the County Treasurers of certain counties.

Read first and second times, and considered in Committee of the Whole.

In Senate, amendment adopted in Committee of the Whole concurred in, and ordered on the General File.

By Mr. Evans—A joint resolution instructing our Senators and requesting our Representatives to urge and vote for the passage of the bill now before Congress, entitled "A bill making provisions for arming and equipping the whole body of the military of the United States, and for other purposes."

Read first and second times, and referred to the Committee on Military Affairs.

By Mr. Lindsey—A joint resolution asking Congress to declare the meaning of the joint resolution of Congress of June twenty-eighth, eighteen hundred and seventy, in reference to the reserve for a land grant to the Southern Pacific Railroad Company, in California, and to restore certain lands to the public domain.

Read first and second times, and referred to the Committee on Federal Relations.

[Mr. Evans in the chair.]

#### MOTIONS, RESOLUTIONS, AND NOTICES.

In accordance to previous notice, Mr. Kent moved to reconsider the vote by which the Senate refused to pass Senate Bill No. 111—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

The motion prevailed.

On the passage of the bill, the ayes and noes were demanded by Messrs. Laine, Fraser, and Bush, and it passed, by the following vote:

AYES—Messrs. Beck, Crane, DeHaven, Dyer, Eakin, Evans, Finney, Fraser, Hendricks, Kent, Martin, McCoy, McCune, McKusick, McMurry, Perkins, Spencer, and Tuttle—18.

NOES—Messrs. Bartlett, Bush, Gibbons, Goodale, Graves, Irwin, Laine, Lindsey, Neff, O'Connor, and Turner—11.

On motion of Mr. Finney, the rules were suspended, and Senate Bill No. 230—An Act to make women eligible to educational offices—taken up.

Ordered to the top of the General File for to-morrow.

On motion of Mr. Turner, the special order set for Tuesday, February tenth, at two o'clock P. M.—contested election case of *Gildea v. Fraser*—was vacated, and the same was made special order for Friday, the thirteenth instant, at two o'clock P. M.

#### GENERAL FILE.

Senate Bill No. 140—An Act granting additional powers to the Loan Commissioners, constituted by an Act approved April second, eighteen hundred and seventy.

Read third time, and passed.

Senate Bill No. 184—An Act to change the present boundaries of the City of Sacramento.

Read third time, and passed.

Senate Bill No. 86—An Act to amend certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, concerning the publication of the Reports of the Supreme Court.

Read third time, and passed.

Senate Bill No. 191—An Act to repeal section one of an Act supplementary to and amendatory of an Act to protect agriculture, etc., approved April first, eighteen hundred and seventy-two.

Read third time, and passed.

Senate Concurrent Resolution No. 18—requesting Congress to grant certain lands to the State of California.

On motion of Mr. Edgerton, ordered to the head of the General File for Tuesday, the sixteenth instant.

Assembly Bill No. 191—An Act to provide for the protection of lands from overflow in the County of Yuba.

Referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

Senate Bill No. 215—An Act fixing the compensation of certain officers of Humboldt County.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 110—An Act to provide for a State census in eighteen hundred and seventy-five.

On motion of Mr. Bartlett, ordered to head of General File for Wednesday, the eighteenth instant.

[President pro tem. in the chair.]

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 9th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the seventh instant, passed, under suspension of the rules, Assembly Bill No. 173—An Act concerning certain public reservations of the City and County of San Francisco.

Also, Assembly Bill No. 222—An Act supplemental to an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

Also, Assembly Bill No. 225—An Act to fix the salary of the Superintendent of Public Schools of Marin County.

Also, on this day, amended and passed Senate Bill No. 58—An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant.

Also, passed Senate Bill No. 170—An Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California.

Also, passed Senate Bill No. 173—An Act to incorporate the City of Eureka.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 173, above reported, read first and second times, and referred to the San Francisco delegation.

Assembly Bill No. 222, above reported, read first and second times, and referred to the Santa Clara County delegation.

Assembly Bill No. 225, above reported, read first and second times, and referred to the delegation named in the bill.

Senate Bill No. 58, above reported, Assembly amendments to sections one and three of the bill concurred in.

On motion of Mr. Edgerton, the bill was ordered to the head of the General File for Wednesday next.

The chair appointed Messrs. Pendegast, Evans, and Keys as the Senate Committee on State University affairs.

At four o'clock and thirty minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER,  
Tuesday, February 10th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### PETITIONS.

Mr. Fraser presented a petition from the Sacramento Society of California Pioneers, asking that the appropriation to General John A. Sutter and James W. Marshall be continued.

Received, and laid on the table.

The President presented a Senate Joint Resolution from the Legislature of the State of Nevada, asking the State of California to cede the territory east of the summit of the Sierras to Nevada.

Received, and referred to the Committee on Federal Relations.

#### REPORTS.

Reports were submitted as follows:

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and



find correctly engrossed Senate Bill No. 82—An Act to incorporate the City of Visalia, and to provide for public schools therein.

Also, Senate Bill No. 228—An Act to add five additional Notaries Public in Stanislaus County.

Also, Senate Bill No. 233—An Act supplemental to an Act entitled an Act supplementary to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five, approved April fourth, eighteen hundred and seventy.

NEFF, Chairman.

By Mr. Goodale:

MR. PRESIDENT: Your committee have had under consideration Senate Bill No. 161—An Act to prevent the sale of intoxicating beverages on election days—and report the same favorably, and recommend its passage.

GOODALE, Chairman.

By Mr. Hendricks:

MR. PRESIDENT: The Committee on Mines and Mining, to whom was referred Joint Resolution No. 40—Asking Congress for right of way for a tunnel, and for title to that part of the bed of Klamath River which will be drained by said tunnel—have had the same under consideration, and beg leave to report that even if Congress could be induced to accede to the request, the principle is wrong, and the precedent dangerous; and that, in our opinion, the object desired can be better attained under existing laws.

HENDRICKS, Chairman.

By Mr. Perkins:

MR. PRESIDENT: Your Committee on Claims, to whom was referred Assembly Bill No. 196—"An Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of Perry Johnson, City Marshal of said city;"

Also, Senate Bill No. 245—"An Act for the relief of George W. Branch;"

Have had the same under consideration, and respectfully report the bills back, with the recommendation that they do pass.

PERKINS, Chairman.

By Mr. Evans:

MR. PRESIDENT: Your Committee on Rules, to whom was referred Assembly Concurrent Resolution No. 36—relative to suspending Joint Rule Number Twenty—after carefully considering the same, now report it back to the Senate, with the recommendation that it be adopted.

EVANS, Chairman.

By Mr. McCoy:

MR. PRESIDENT: The San Bernardino delegation, to whom was referred Assembly Bill No. 227—An Act to authorize the construction of a wagon road from Cushenburg Springs, in the County of San Bernardino, to the Holcomb Valley mines, in said county—have had the same under consideration, respectfully report the bill back, and recommend its passage.

MCCOY, for Delegation.

By Mr. Farley:

MR. PRESIDENT: The Amador and Alpine delegation, to whom was referred Assembly Bill No. 160—An Act to amend an Act entitled an Act to provide for contingent expenses, and to abolish the Hospital Fund of Alpine County, approved February twenty-seventh, eighteen hundred and sixty-six—have had the same under consideration, and report the same back, and recommend its passage.

FARLEY, for the Delegation.

By Mr. Finney:

MR. PRESIDENT: The San Mateo delegation, to whom was referred Senate Bill No. 197, report the same back to the Senate, with amendments, and recommend the passage of the bill as amended.

FINNEY, for Delegation.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT, }  
Sacramento, February 9th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 65—An Act to repeal the several special road laws in the County of Santa Clara, in the State of California.

Also, Senate Bill No. 92—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to provide for the incorporation of colleges, approved April twentieth, eighteen hundred and fifty, approved January eighth, eighteen hundred and seventy-two.

Also, Senate Bill No. 23—An Act concerning conveyances by the municipal authorities of the City of San Diego.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 9th, 1874. }

*To the Senate of the State of California:*

I herewith transmit a communication from the Hon. F. Baehr, State Treasurer, asking an investigation from your honorable body into his official conduct, charges having been made against him, by certain newspapers of this State, of irregularities in his office. There being but one copy of the communication, I respectfully ask that the Assembly be informed of its receipt.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }  
 Sacramento, February 5th, 1874. }

*To his Excellency* NEWTON BOOTH, *Governor of California:*

SIR: Some time ago certain reports were circulated against me by a few newspapers of this State, which may have left an impression on the public mind that I have been guilty of irregularities in my office. In justice to the public and myself, I would respectfully request your Excellency to call the attention of the honorable Legislature to these reports, that, should they deem it necessary for their consideration, a committee may be appointed before which I can lay the facts of my official actions since the commencement of my term.

Very respectfully,

F. BAEHR,  
 State Treasurer.

On motion of Mr. Evans, the communication was referred to the Committee on Public Expenditures.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tuttle—An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of the Agricultural Park, in said city.

Read first and second times, and referred to the Judiciary Committee, with a petition accompanying the bill.

By Mr. Goodale—An Act to amend section twenty-six hundred and forty-four of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Duffy—An Act for the relief of Catharine Connolly.

Read first and second times, and referred to the Committee on Claims.

By Mr. O'Connor—An Act to amend sections three hundred and six and three hundred and seven of the Penal Code.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Turner—An Act to repeal an Act to provide for the maintenance of public roads and trails in the County of Sierra, approved February ninth, eighteen hundred and sixty-six.

Read first and second times, and ordered on file.

#### GENERAL FILE.

Assembly Bill No. 151—An Act to appropriate money for the relief of General J. A. Sutter.

Read third time and passed.

Senate Bill No. 83—An Act to legalize certain bonds of the City of San Diego, and to provide for the payment of interest thereon, and for the redemption thereof.

Amendment adopted, and ordered engrossed.

Senate Bill No. 230—An Act to make women eligible to educational offices.

On motion of Mr. Farley, ordered to the top of the General File for Thursday, the twelfth instant.

Senate Bill No. 153—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico, Butte County, California.

Read third time and passed.

#### REPORT.

Mr. McMurry submitted a report, as follows:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 173—An Act to incorporate the City of Eureka—and have presented the same to his Excellency the Governor, for his approval, this day, at twelve o'clock and twenty minutes P. M.

McMURRY, Chairman.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 10th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed under a suspension of the rules, Senate Bill No. 244—An Act to abolish the office of County Assessor in the County of Alameda, and to create Township Assessors instead.

Also, passed Assembly Concurrent Resolution No. 27—relative to the survey of the mountain grazing lands of this State.

Also, Substitute for Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

Also, Assembly Bill No. 248—An Act fixing the salaries of certain county officers in Inyo County.

Also, Assembly Bill No. 249—An Act concerning official bonds in Mono County.

Also, the Speaker appointed Messrs. Amerman, Myers, Freidenrich, Tinnin, and Canfield, a committee on the part of the House, on investigation of matters relating to the State University.

Also, that Senators and officers are respectfully invited to attend Professor J. M. Hutchings' exhibition of illuminated photographs of Yosemite Valley, in the Assembly Chamber, at seven o'clock this evening.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 244, above reported, Assembly amendment concurred in.



Assembly Concurrent Resolution No. 27, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly Bill No. 69, above reported, read first and second times, and referred to the Committee on State and County Revenue.

Assembly Bill No. 248, and Assembly Bill No. 249, above reported, read first and second times, and referred to the delegations named in the bills.

On motion of Mr. Farley, Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State, was ordered to the top of the General File for Thursday.

On motion of Mr. Finney, the special order set for one o'clock P. M. today, was postponed to one o'clock and thirty minutes P. M.

At twelve o'clock and twenty-three minutes P. M., on motion of Mr. Bartlett, the Senate took a recess until one o'clock and thirty minutes.

#### REASSEMBLED.

At one o'clock and thirty minutes P. M., Senate reassembled.  
President in the chair.

Roll called, and a quorum present.

Mr. Edgerton, by leave, introduced a bill, as follows:

An Act making an appropriation for the payment of the unpaid salaries of the Code Commissioners, clerical labor, and other expenses incurred by the State, under the Act approved March twenty second, eighteen hundred and seventy-two.

Read first and second times, and, with accompanying documents, referred to the Committee on Claims.

#### SPECIAL ORDER.

Senate Bill No. 29—An Act to amend section one hundred and ninety of the Penal Code, and to abolish capital punishment.

On motion of Mr. Edgerton, the Senate order was discharged, and the bill ordered to the top of the General File for Monday next, the sixteenth instant.

Mr. Fraser, by leave, offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be and he is hereby required to inquire into the cause of the smoke entering this Chamber, and that he be required to take immediate steps to prevent the same.

Adopted.

Mr. Duffy, by leave, offered a resolution providing that the per diem of the clerk to the Sergeant-at-Arms be fixed at eight instead of five dollars, from the first of December.

Referred to the Committee on Contingent Expenses.

At one o'clock and forty-five minutes P. M., Mr. DeHaven moved to adjourn.

Lost.

#### GENERAL FILE RESUMED.

Senate Joint Resolution No. 34—relative to the establishment of a Penal Colony in Alaska.

Read third time and adopted.

Assembly Bill No. 198—An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

Amendments adopted, read third time and passed.

Senate Bill No. 56—An Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code.

On motion of Mr. Tuttle, ordered third on the General File for Thursday, the twelfth instant.

Senate Bill No. 18—An Act to enforce the education of children.

On motion of Mr. Finney, made special order for Tuesday, the twenty-fourth instant, at one o'clock P. M.

At one o'clock and fifty-five minutes P. M., on motion of Mr. Tuttle, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, February 11th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Edgerton presented a petition of T. C. Gilman, in reference to a contract made by the petitioner with the Board of Supervisors of Contra Costa to build a bridge across San Antonio Creek, in said county.

Received, and laid on the table.

Mr. Bush presented a petition from the Mayor and Common Council of the City of Los Angeles, in reference to an Act to amend the charter of said city.

Received, and laid on the table.

## REPORTS.

The following reports were submitted:

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bill:

Senate Bill No. 215—An Act fixing the compensation of certain officers of the County of Humboldt.

TUTTLE, for Committee.

By Mr. Graves:

MR. PRESIDENT: The Committee on Federal Relations, to which was referred Assembly Concurrent Resolution No. 21—asking Congressional relief for A. B. Gilbert—have considered the same, and now report it back and recommend its passage.

Your committee have also considered Senate Concurrent Resolution No. 43—asking Congress to declare the meaning of the joint resolution of Congress, of June twenty-eighth, eighteen hundred and seventy, in reference to the reserve for a land grant to the Southern Pacific Railroad Company in California, and to restore certain lands to the public domain—and report the same back and recommend its passage.

GRAVES, Chairman.

By Mr. Edgerton:

MR. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 248—An Act granting leave of absence to Abraham Powell, Supervisor for the First Supervisor District of the County of Solano. Your committee have already had before them several bills of a like character with the one now under consideration, and for grave reasons have reported adversely upon them. The same objections which were urged against these bills, apply with equal force to the present one; and the committee therefore report the same back, and recommend that it do not pass.

Also, Senate Bill No. 185—An Act to prevent confusion and uncertainty in land matters, and to prevent fraud and oppression—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 111—An Act to amend the Political Code of the State of California, and to protect the health, and regulate the hours of labor of street car conductors and drivers, and to amend section three thousand two hundred and forty-four of said Code—and report the same back, with a recommendation from a majority of the committee that it pass.

EDGERTON, for Committee.

By Mr. Bush:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bill:

Senate Bill No. 83—An Act to legalize certain bonds of the City of San Diego, and to provide for the payment of the interest thereon, and for the redemption thereof.

BUSH, for Committee.

By Mr. Martin:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 244—entitled an Act to abolish the office of County Assessor in the County of Alameda, and to create Township Assessors therein—and presented the same to his Excellency the Governor, for his approval, yesterday, at two o'clock and twenty minutes P. M.

MARTIN, for Committee.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on State and County Revenue, to whom was referred Assembly Bill No. 171—An Act to provide for the construction of certain wagon roads in the County of Humboldt—report the bill back with amendments, and recommend the passage of the bill as amended.

Also, report back Senate Bill No. 222—An Act to amend an Act en-

titled an Act to provide for the manner of auditing claims against the County of Humboldt, and to provide for the reduction of taxation therein and expenses thereof, approved April first, eighteen hundred and seventy.

Also, Senate Bill No. 229—An Act to authorize and empower the Auditor of El Dorado County to allow certain claims against the county.

Also, Senate Bill No. 246—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March second, eighteen hundred and seventy-two—and recommend that they pass.

O'CONNOR, Chairman.

By Mr. McCoy:

Mr. PRESIDENT: The San Bernardino delegation, to whom was referred Assembly Bill No. 210—An Act to regulate official fees and salaries in the County of San Bernardino—have had the same under consideration, respectfully report the bill back with a substitute, and recommend the adoption and passage of the substitute.

McCOY, for Delegation.

By Mr. Eakin:

Mr. PRESIDENT: The Tuolumne delegation, to whom was referred Assembly Bill No. 233—An Act granting leave of absence to C. Burden, Public Administrator of Tuolumne County—report the same back, and recommend its passage.

Also, report Senate Bill No. 241—An Act to prescribe the term of Supervisors in the County of Tuolumne, and recommend its passage.

WM. A. EAKIN, for Delegation.

By Mr. Garratt:

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 91—An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco—having had the same under consideration, report the same back amended, and recommend its passage as amended.

Also, Assembly Bill No. 138—An Act to provide for the payment of the Architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco—report the same back amended, and recommend its passage as amended.

GARRATT, Chairman.

On motion of Mr. Garratt, the rules were suspended, and Assembly Bill No. 91, above reported, taken up, and amendment adopted.

On motion of Mr. Edgerton, the bill was referred to the Judiciary Committee, with instructions to report the same to-morrow morning.

By Mr. Irwin:

Mr. PRESIDENT: The Committee on Finance, to whom was referred Assembly Bill No. 168—An Act to fund certain indebtedness of Sonoma County—have had the same under consideration, and now report it back



with amendments, and recommend the adoption of the amendments, and the passage of the bill.

Also, Senate Bill No. 212—An Act for the relief of James W. Marshall—and report the same back without recommendation.

IRWIN, Chairman.

On motion of Mr. Tuttle, the rules were suspended, and Assembly Bill No. 168, above reported, taken up, amendments adopted, read a third time, and passed.

By Mr. McKusick:

Mr. PRESIDENT: Your Committee on Public Lands, to whom was referred Senate Bill No. 201—"An Act concerning certain lands situated within, and belonging to the City and County of San Francisco"—have had the same under consideration, and are of the opinion that this bill presents a question which properly belongs to the Committee on Judiciary to pass upon, viz: Whether the State, after making a grant of the lands therein described, to the City of San Francisco, with power to dispose of them, has now the right to withdraw from the city the power of disposition thus conferred—as is proposed by this bill; we therefore recommend its reference to the Committee on Judiciary.

Also, Senate Bill No. 211, report the same back with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 204, report the same back, and recommend its passage.

Also, Senate Bill No. 198, report the same back, and recommend its passage.

McKUSICK, Chairman.

Assembly Bill No. 201, above reported, was so referred.

Mr. Laine, for the Santa Clara delegation, verbally reported Assembly Bill No. 222—An Act supplemental to an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy—and recommended its passage.

Rules suspended, and the above reported bill taken up, read third time and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 10th, 1874.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 173—An Act to incorporate the City of Eureka.

Also, Senate Bill No. 244—An Act to abolish the office of County Assessor of the County of Alameda, and to create Township Assessors therein.

NEWTON BOOTH,  
Governor.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 11th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the tenth instant, passed Substitute for Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

Also, Assembly Bill No. 297—An Act to provide a County Treasurer for the County of Fresno, for the term commencing the first Monday in March, in the year eighteen hundred and seventy-four.

Also, Senate Bill No. 226—An Act supplementary to an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two.

Also, on the ninth instant, under a suspension of the rules, passed Substitute for Assembly Bill No. 220—An Act to regulate fares and the sale of tickets by street railroad companies, in the City and County of San Francisco.

Also, on this date, adopted Assembly Concurrent Resolution No. 40—relative to the Assembly adding an additional member on Spanish translation.

JOHN WEBBER,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 88, above reported, read first and second times, and referred to the Committee on Claims.

Assembly Bill No. 297, above reported, read first and second times, and referred to the delegation named in the bill.

Substitute for Assembly Bill No. 220, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Concurrent Resolution No. 40, above reported, concurred in.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Edgerton—An Act to provide a remedy in certain cases.

Read first and second times, and referred, with petition, to Committee on Claims.

By Mr. Bush—An Act to amend the charter of the City of Los Angeles, to define its limits and rights, enlarge its powers, and to provide for its more efficient government.

Read first and second times, and referred, with petition, to the Committee on Corporations.

By Mr. Lindsey—An Act to amend section three thousand nine hundred and seventy-six, and to repeal certain other sections of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Keys—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code.

Read first and second times, and referred to the Committee on Judiciary.

Also, an Act to fix the compensation of certain officers in Merced County.

Read first and second times, and referred to delegation.

Also, an Act to provide for the payment of attorneys' fees.

Read first and second times, and referred to the Committee on Claims.

By Mr. Tuttle—An Act relating to mutual beneficial and relief associations.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Roach—An Act for the relief of the Hibernia Greens.

Read first and second times, and referred to the Committee on Claims.

By Mr. Laine—An Act concerning roads and highways in the County of Santa Clara.

Read first and second times and referred to delegation.

By Mr. O'Connor—An Act concerning the quarterly meetings of the Board of Supervisors of Nevada County.

Read first and second times, and referred to delegation.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were offered as follows:

By Mr. Roach:

*Resolved*, That the Committee on Public Buildings be and are hereby authorized to direct the placing of a lightning rod over the dome of the Capitol.

Adopted.

By Mr. Beck:

*Resolved*, That the sum of one hundred and fifty dollars be and the same is hereby allowed H. A. Jones, for services rendered as shorthand reporter for the Committee on Public Buildings, in their investigation of the manner in which the work of construction on the University buildings have been conducted, and that the same be paid out of the appropriation for the contingent expenses of the Senate.

Adopted.

By Mr. McMurry—a joint resolution relative to the mail route from Shasta City, Shasta County, to Lake City, in Siskiyou County.

Read first and second times, rules suspended, read third time, and adopted.

#### GENERAL FILE.

Assembly Bill No. 90—An Act to incorporate the Town of San Rafael.

The Senate refused to adopt the recommendation of the committee, that "the bill do not pass." Amended, read third time, and passed.

[Mr. Evans in the chair.]

Assembly Bill No. 146—An Act to incorporate the Town of Castroville, Monterey County, California.

Recommendation of the committee that "the bill do not pass," adopted.

Senate Bill No. 58—An Act granting right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant.

Question on concurring in Assembly amendments.

The Senate refused to concur in Assembly amendment to section four of the bill. Assembly amendment to section eight concurred in.

Senate Bill No. 194—An Act to pay certain claims in favor of Patrick Kearns.

Read third time. On the passage of the bill, the ayes and noes were demanded by Messrs. Irwin, Garratt, and Finney, and it passed, by the following vote:

AYES—Messrs. Bartlett, Bush, Crane, Duffy, Eakin, Edgerton, Evans, Finney, Fraser, Garratt, Goodale, Hendricks, Hopkins, Irwin, Kent, Laine, Lindsey, Martin, McCune, McKusick, McMurry, O'Connor, Roach, Spencer, and Turner—25.

NOES—Messrs. Andross, Beck, Boggs, Dyer, Farley, Gibbons, Graves, Keys, McCoy, Neff, and Tuttle—11.

Mr. Duffy gave notice that, on to-morrow, he would move to reconsider the vote by which the bill passed.

At one o'clock P. M., on motion of Mr. McKusick, the Senate took a recess until two o'clock P. M.

#### REASSEMBLED.

At two o'clock P. M., Senate reassembled.

President in the chair.

Roll called, and a quorum present.

#### GENERAL FILE RESUMED.

Senate Bill No. 82—An Act to incorporate the City of Visalia, and to provide for public schools therein.

Read a third time, and passed.

Senate Bill No. 192—An Act to provide for the construction and maintenance of public roads in the County of Tulare.

Ordered engrossed.

Assembly Bill No. 170—An Act to amend an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two.

Read a third time, and passed.

Senate Bill No. 250—An Act to protect the County Treasuries of certain counties.

Considered in Committee of the Whole.

In Senate, amendments adopted in Committee of the Whole concurred in, amended, on motion of Mr. O'Connor, by adding "Nevada County," and ordered engrossed.

Senate Bill No. 161—An Act to prevent the sale of intoxicating beverages on election days.

Mr. Dyer moved to refer the bill to the Judiciary Committee.

Lost.

On motion of Mr. McKusick, passed on the file for Friday.



Senate Joint Resolution No. 40—asking Congress for right of way for a tunnel, and for title to that part of the bed of Klamath River which will be drained by said tunnel.

Recommendation of the committee, that the resolution do not pass, adopted.

Assembly Bill No. 196—An Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of Perry Johnson, City Marshal of said city.

Read a third time, and passed.

Senate Bill No. 245—An Act for the relief of George W. Branch.

Rules suspended, considered engrossed, read a third time, and passed.

Assembly Concurrent Resolution No. 36—relative to suspension of Joint Rule Number Twenty.

Adopted.

Assembly Bill No. 227—An Act to authorize the construction of a wagon road from Cushenburg Springs, in the County of San Bernardino, to the Holcomb Valley mines, in said county.

Read a third time, and passed.

Assembly Bill No. 160—An Act to amend an Act entitled an Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County, approved February twenty-seventh, eighteen hundred and sixty-six.

Read a third time, and passed.

Senate Bill No. 197—An Act relating to the officers and government of San Mateo County.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 255—An Act to repeal an Act to provide for the maintenance of public roads and trails in the County of Sierra, approved February ninth, eighteen hundred and sixty-six.

Rules suspended, considered engrossed, read third time and passed.

Mr. Finney, by leave, introduced a bill as follows: An Act to amend section four thousand three hundred and twenty-nine of the Political Code.

Read first and second times, and referred to the delegation.

On motion of Mr. O'Connor, the vote instructing the Judiciary Committee to report Assembly Bill No. 91, to-morrow, was reconsidered.

On motion of Mr. Edgerton, the bill was referred to the Judiciary Committee, without instructions.

Mr. Laine, by leave, introduced a bill, as follows: An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

At two o'clock and forty-five minutes P. M., on motion of Mr. Fraser, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,

Thursday, February 12th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Laine presented a petition of land owners, taxpayers, and citizens of the southern part of the County of Alameda, asking that they may be set off from Alameda County and annexed to Santa Clara County.

Received, and referred to the Committee on Counties and County Boundaries.

Mr. Evans presented a memorial from commissioned officers of the National Guard of the State of California.

Received, and referred to the Committee on Military Affairs.

## REPORTS.

Reports were received as follows:

By Mr. Gibbons:

MR. PRESIDENT: The Committee on Education, to whom was referred Senate Bill No. 92—"An Act to provide for the payment of the outstanding indebtedness of Olmstead School District, in San Luis Obispo County"—beg leave to report a substitute therefor, and recommend its passage.

Also, the passage of Senate Bill No. 231—"An Act to provide for the establishment of a public library in the City of Los Angeles," with the accompanying amendments.

GIBBONS, Chairman.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Contingent Expenses have had under consideration the requests, severally, of the Journal Clerk, the Copying Clerks, and Enrolling Clerk, for assistants, and would respectfully recommend the adoption of the accompanying resolution.

McMURRY, Chairman.

*Resolved*, That the Journal Clerk and the Enrolling Clerk each be allowed to appoint one assistant, and that Miss Belle Leary be and she is hereby appointed as Assistant Copying Clerk, and that the assistants provided for in this resolution be allowed the same per diem as the Copying Clerks, payable out of the appropriation for contingent expenses of the Senate.

Adopted.

By Mr. Finney:

MR. PRESIDENT: Your Committee on Agriculture respectfully make the following report: Your committee have considered Assembly Bill No. 208, and recommend that it do not pass, for the reason that the provisions of the bill would confiscate the estrays taken up.

Also, Substitute for Assembly Bill No. 35, recommend it be amended, and passed as amended.

Also, Assembly Bill No. 234, and recommend its passage.

Also, Senate Bill No. 136, amended, and passage recommended as amended.

Also, Senate Bill No. 195, and recommend that it be withdrawn, at the request of author, as its results will be reached by Assembly Bill No. 35.

FINNEY, for Committee.

By Mr. Roach:

MR. PRESIDENT: The Committee of Commerce and Navigation, to whom was referred Senate Bill No. 26, introduced by Senator Boggs, to amend section two thousand four hundred and sixty-six of the Code of Civil Procedure, concerning pilot regulations, have carefully considered the same, and a majority thereof respectfully recommend that it do not pass.

They have also considered Substitute for Assembly Bill No. 23, granting certain tide lands to the City of Oakland, and recommend its passage.

ROACH, Chairman.

By Mr. O'Connor:

MR. PRESIDENT: The Nevada delegation, to whom was referred Senate Bill No. 266—An Act concerning the quarterly meetings of the Board of Supervisors of Nevada County—respectfully report the same back, and recommend its passage.

O'CONNOR, for Delegation.

By Mr. Boggs:

MR. PRESIDENT: The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 187—An Act to create the County of Summit—report the same back with amendments, and recommend its passage as amended. The committee find that the population and wealth of the proposed County of Summit are sufficient to maintain a county organization and government; and since the settlement of the Indian difficulties, is rapidly increasing in population and wealth. The principal part of the population live about two hundred miles from the county seat of Siskiyou County, separated from it by a mountain, impassable a great part of the year. We amend the bill by substituting Modoc for Summit, wherever the word occurs in the bill designating the name of the county.

BOGGS, Chairman.

By Mr. Keys:

MR. PRESIDENT: The Stanislaus delegation, to whom was referred Senate Bill No. 220—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Stanislaus—report the same back with amend-

ments, recommend the adoption of the amendments, and the passage of the bill.

KEYS, for Delegation.

By Mr. Lindsey:

MR. PRESIDENT: Your committee to whom was referred Senate Bill No. 243—An Act to provide for the payment of the indebtedness of Swamp Land District Number Six, in Tulare County—have had the same under consideration, and propose an amendment thereto, report the bill back, and recommend its passage as amended.

LINDSEY, for Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Graves—An Act fixing the salaries of certain officers of San Luis Obispo County.

Read first and second times, and referred to the Committee on State and County Revenue.

By Mr. Neff—An Act requiring Sheriffs to wear a badge of office.

Read first and second times, and referred to the Judiciary Committee, and ordered printed.

By Mr. Duffy—An Act regulating the sale of stock in mining corporations, and to prevent gambling therein.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McCoy—An Act to legalize and make valid the election of certain officers in San Diego County.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Farley—An Act to amend section two of an Act entitled an Act to amend section one of an Act extending the time for the payment of a debt of ten thousand dollars, due from Alpine County to Amador County, approved February twenty-ninth, eighteen hundred and sixty-eight, and to provide for the payment thereof, approved March twenty-fifth, eighteen hundred and seventy.

Read first and second times, and referred to the delegation.

By Mr. Tuttle—An Act in relation to the revision of the laws.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Fraser—An Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city.

Read first and second times, and referred to the Judiciary Committee.

By Mr. O'Connor—An Act to provide for the construction of a railroad from Colfax, in the County of Placer, to Nevada City, in the County of Nevada, and to regulate fares and freights thereon.

Read first and second times, and referred to the Committee on Corporations, and ordered printed.

By Mr. Pendegast—An Act to amend section four hundred and sixty-six of the Penal Code.

Read first and second times, rules suspended, considered engrossed, read third time by unanimous consent, and passed.

By Mr. Laine—An Act to amend the Political Code concerning the delinquency of taxes.

Read first and second times, and referred to the Judiciary Committee.



## MOTIONS, RESOLUTIONS, AND NOTICES.

In accordance with previous notice, Mr. Duffy moved to reconsider the vote whereby Senate Bill No. 194—An Act to pay certain claims in favor of Patrick Kearns—was passed.

The motion prevailed, and the vote also ordering the bill engrossed, was reconsidered.

Amended, and ordered engrossed.

Mr. McCune gave the following notice: For an Act for the division of Solano County.

## GENERAL FILE.

Senate Bill 230—An Act to make women eligible to educational offices.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Farley, Duffy, and Dyer, and it was ordered engrossed, by a vote as follows:

**AYES**—Messrs. Andross, Bartlett, Beck, Boggs, Crane, DeHaven, Eakin, Edgerton, Evans, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hopkins, Irwin, Kent, Keys, Lindsey, Martin, McCoy, McMurry, Neff, Pendegast, Roach, Spencer, Turner, and Tuttle—29.

**NOES**—Messrs. Bush, Duffy, Dyer, Farley, Laine, McCune, McKusick, and O'Connor—8.

## REPORTS.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 226—An Act supplementary to an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two;

Also, Senate Bill No. 170—An Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California;

And have presented the same to his Excellency the Governor, for his approval, this day, at twelve o'clock and ten minutes P. M.

McMURRY, Chairman.

By Mr. Pendegast:

MR. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 146—An Act relative to apprentices and masters—and report the same back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 187—An Act to authorize C. H. Reynolds to sue the State of California—and Assembly Bill No. 201—An Act concerning certain lands situated within and belonging to the City and County of San Francisco—and report both bills back with substitutes therefor, and respectfully recommend the adoption and passage of the substitutes.

Also, Assembly Bill No. 106—An Act to authorize the husband, or wife, or next of kin of a deceased person, to collect and receive of any savings bank any deposit in such bank, when the same does not exceed

the sum of three hundred dollars—and report the same back, and recommend its passage.

PENDEGAST, Chairman.

By Mr. Beck:

Mr. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 99—An Act supplemental to an Act entitled an Act to provide for furnishing the State Normal School building, and paying the indebtedness incurred in the construction thereof, approved March twenty-ninth, eighteen hundred and seventy-two—report the bill back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

BECK, for Committee.

At twelve o'clock and forty-five minutes P. M., on motion of Mr. De Haven, the Senate took a recess until two o'clock P. M.

#### REASSEMBLED.

The Senate reassembled at two o'clock P. M.

The President in the chair.

Roll called, and a quorum present.

#### GENERAL FILE RESUMED.

Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State.

Read third time; on the passage of the bill the ayes and noes were demanded by Messrs. McKusick, McCune, and O'Connor, and it passed, by the following vote:

AYES—Messrs. Beck, Boggs, Duffy, Dyer, Eakin, Evans, Farley, Fraser, Garratt, Gibbons, Hopkins, Irwin, Kent, Keys, Lindsey, McCoy, McMurry, Neff, and Pendegast—19.

NOES—Messrs. Bartlett, Bush, Crane, De Haven, Finney, Goodale, Graves, Hendricks, Laine, McCune, McKusick, O'Connor, Roach, Spencer, Turner, and Tuttle—16.

Senate Bill No. 56—An Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code.

Considered in Committee of the Whole.

In Senate, reported with amendments, amendments concurred in, and on motion of Mr. Bartlett, ordered printed.

Mr. Tuttle moved that the bill go over on the file for Tuesday next.

Lost.

On motion of Mr. Bartlett, the bill was ordered on the General File for Thursday, the nineteenth instant.

[Mr. Evans in the chair.]

Senate Bill No. 83—An Act to legalize certain bonds of the City of San Diego, and to provide for the payment of interest thereon, and for the redemption thereof.

Read a third time and passed.

On motion of Mr. Irwin, the rules were suspended and Assembly Bill No. 187 taken up—An Act to create the County of Summit, to establish its boundaries, and to provide for its organization.

Amendments changing the name of the proposed new county to "Modoc," adopted.

Read a third time, and passed; title amended.

Mr. Crane, by leave, presented a petition from land owners of Yuba County asking the passage of Assembly Bill No. 191—"An Act to provide for the protection of lands in the County of Yuba from overflow."

Received, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Boggs, by leave, introduced a bill, as follows: An Act to amend an Act entitled an Act providing for funding the indebtedness of the reclamation and levee district of this State, approved March thirtieth, eighteen hundred and seventy-two.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Assembly Concurrent Resolution No. 21—Asking Congressional relief for A. B. Gilbert.

Read third time and adopted.

On motion of Mr. Finney, the author of Senate Bill No. 195—An Act to amend section three thousand three hundred and eighty-five of the Political Code, was granted unanimous consent to withdraw the bill.

Assembly Concurrent Resolution No. 43—Asking Congress to declare the meaning of the joint resolution of Congress of June twenty-eighth, eighteen hundred and seventy, in reference to the reserves for a land grant to the Southern Pacific Railroad Company of California, and to restore certain lands to the public domain.

Ordered engrossed.

The Committee on Public Buildings were granted leave of absence for two days.

On motion of Mr. Edgerton the rules were suspended and Senate Bill No. 198—An Act to amend section three thousand four hundred and ninety-five of the Political Code, taken up out of its order and recommitted to the Committee on Public Lands.

At three o'clock and fifty-five minutes P. M., on motion of Mr. Duffy, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,

Friday, February 13th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and quorum present.

Prayer by the Rev. Mr. Slater.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Pendegast presented a petition from the Napa and Solano District Agricultural Society, asking an appropriation.

Received, and laid on the table.

Mr. Bush presented a petition from citizens of Los Angeles County, praying for the creation of a new county out of the southern portion of said County of Los Angeles.

Received, and referred to the Committee on Counties and County Boundaries.

#### REPORTS.

Reports were submitted as follows:

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 192—An Act to provide for the location, construction, and maintenance of public roads in the County of Tulare.

Also, Senate Bill No. 250—An Act to protect the County Treasuries of certain counties.

Also, Senate Bill No. 245—An Act for the relief of Geo. W. Branch.

Also, Senate Concurrent Resolution No. 45—relative to the mail route from Shasta City to Lake City, in Siskiyou County.

Also, Senate Bill No. 197—An Act relating to the officers and government of San Mateo County.

Also, Senate Bill No. 255—An Act to repeal an Act to provide for the maintenance of public roads and trails in the County of Sierra, approved February ninth, eighteen hundred and sixty-six.

NEFF, Chairman.

By Mr. Evans:

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Concurrent Resolution No. 42—relative to furnishing arms to the whole body of the militia of the United States by the General Government—have had the same under consideration, and herewith report it back to the Senate, with the recommendation that it be adopted.

The committee have also duly considered Senate Bill No. 55—An Act to repeal section nineteen hundred and thirty-six of the Political Code of the State of California; and Senate Bill No. 130—An Act to amend the Political Code, and other Acts concerning military affairs—and report the same back, with a unanimous recommendation that they do not pass.

EVANS, Chairman.

By Mr. Bush:

MR. PRESIDENT: The Committee on Hospitals, to whom was referred Senate Bill No. 190—An Act entitled an Act to provide for the establishment of probationary asylums for the insane, or those supposed to be insane—beg leave to report the same back, and recommend that it do not pass.

BUSH, Chairman.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No.



58—An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant;

Also, Senate Bill No. 126—An Act to appropriate money to pay the claim of George A. Blanchard;

Also, Senate Bill No. 209—An Act to fix the fees of the County Surveyor of Napa County;

And have presented the same to his Excellency the Governor, for his approval, this day, at eleven o'clock and fifteen minutes A. M.

McMURRY, Chairman.

By Mr. Pendegast:

MR. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 251—An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of the Agricultural Park in said city. The committee understand that their opinion was sought on the question of the power of the Legislature to pass such an enactment within the limits of the Constitution. To this proposition we answer, that the proposed Act would not be subject to criticism on Constitutional grounds. The committee think, however, that the legislation would be in the line of a bad policy, and therefore recommend that the bill do not pass.

Also, Senate Bill No. 157—An Act to repeal an Act entitled an Act concerning service of summons upon absent defendants by publication, approved March fifteenth, eighteen hundred and seventy-two—and report the same back, and recommend its passage.

Also, Assembly Bill No. 91—An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco. After considering the arguments on both sides of the legal questions involved, the committee report it as their opinion that the Legislature has full power to pass the Act in question, and that there are no Constitutional objections thereto. As we do not understand that any other question was submitted to us, we express no opinion as to the merits of the bill.

Also, Assembly Bill No. 139—An Act to amend section four hundred and ninety-six of the Penal Code—and report the same back, and recommend its passage.

PENDEGAST, Chairman.

Mr. Graves asked leave to submit a minority report of the Judiciary Committee, to-morrow, on Assembly Bill No. 91, above reported.

So ordered.

By Mr. Goodale:

MR. PRESIDENT: The delegation have had under consideration Assembly Bill No. 253—An Act to repeal all special road laws in the County of Contra Costa—and report the same back, with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

GOODALE, for Delegation.

By Mr. Pendegast:

MR. PRESIDENT: The Napa delegation, to whom was referred Assembly bill No. 177—An Act to reincorporate the City of Napa—report the same back, and recommend its passage.

Also, Senate Bill No. 242—An Act to regulate the salaries and fix the compensation of certain officers in the County of Napa—and recommend its passage.

PENDEGAST, for the Delegation.

By Mr. Garratt:

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 75—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county—having had the same under consideration, report the same back, amended, and recommend its passage as amended.

Also, Assembly Bill No. 173—An Act concerning certain public reservations of the City and County of San Francisco—report the same back, and recommend its passage.

GARRATT, Chairman.

Mr. Bartlett moved to suspend the rules, to take up the above reported bills, and place them on their passage.

Lost.

By Mr. Finney:

Mr. PRESIDENT: The San Mateo delegation respectfully report back Senate Bill No. 267, with amendment, and recommend its passage.

FINNEY, Delegation.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
February 12th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eleventh instant, passed Senate Bill No. 126—An Act to appropriate money to pay the claim of George A. Blanchard.

Also, Senate Bill No. 209—An Act to fix the fees of the Surveyor of Napa County.

Also, amended and passed Senate Bill No. 96—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, receded from its amendment to section four of Senate Bill No. 58—An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant.

Also, on the tenth instant, passed Assembly Bill No. 241—An Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
February 13th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, under a suspension of the rules, passed and

ordered immediately transmitted to the Senate, Assembly Concurrent Resolution No. 41—relative to the Central Pacific, the Western Pacific, and the California and Oregon Railroad Companies.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 96, above reported, Assembly amendments to the bill concurred in.

Assembly Bill No. 241, above reported, read first and second times, and referred to the Committee on Finance.

Assembly Concurrent Resolution No. 41, above reported, read first and second times, rules suspended, and by unanimous consent, read third time and concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bartlett—An Act to amend the Civil Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Pendegast—An Act providing for the determination of actions for the recovery of the possession of lands and tenements, for rents and profits growing out of the same, and for damages for the withholding thereof, in certain cases.

Read first and second times, and referred to the Judiciary Committee.

By Mr. O'Connor—An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.

Read first and second times, and ordered on file.

By Mr. Gibbons—An Act to authorize the Mountain View Cemetery Association to issue bonds.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Irwin—An Act to make available the public funds in the State Treasury, not required to pay warrants or claims against the State.

Read first and second times, referred to Committee on Finance, and ordered printed.

By Mr. Neff—An Act to amend section thirteen hundred and twenty-nine of the Penal Code.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Gibbons—An Act for the protection of stockholders in corporations.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Laine—An Act for the relief of J. C. Hamer.

Also, an Act to amend an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Bush—An Act to amend section twenty-two hundred and forty of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

## MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. Evans, the vote ordering Senate Bill No. 197 engrossed, was reconsidered, and the bill referred to the Judiciary Committee.

On motion of Mr. Edgerton, Assembly Bill No. 91—An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco—was ordered printed.

Mr. Bartlett moved to suspend the rules to take up Assembly Bill No. 75, heretofore reported from the San Francisco delegation to-day.

Carried, amendment adopted, and referred to the Judiciary Committee.

## GENERAL FILE.

Senate Bill No. 123—An Act to authorize the City of Los Angeles to issue bonds to purchase railroad depot and workshop grounds.

Recommitted to the Committee on Corporations.

Senate Bill No. 161—An Act to prevent the sale of intoxicating beverages on election days.

Ordered engrossed.

Assembly Concurrent Resolution No. 43—asking Congress to declare the meaning of the joint resolution of Congress of June twenty-eighth, eighteen hundred and seventy, in reference to the reserves for a land grant to the Southern Pacific Railroad Company of California, and to restore certain lands to the public domain.

Rules suspended, considered engrossed, read third time, and adopted.

Senate Bill No. 248—An Act granting leave of absence to Abraham Powell, Supervisor for the First Supervisor District of the County of Solano.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 185—An Act to prevent confusion and uncertainty in land titles, and to prevent fraud and oppression.

Recommendation of the committee, that the bill do not pass, adopted.

Assembly Bill No. 111—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors and drivers, and to amend section three thousand two hundred and forty-four of said Code.

On motion of Mr. Edgerton, ordered to the head of the General File for Monday next.

Assembly Bill No. 171—An Act to provide for the construction of certain wagon roads in the County of Humboldt.

Amendments adopted, amended, read third time, and passed.

Senate Bill No. 222—An Act to amend an Act entitled an Act to provide for the manner of auditing claims against the County of Humboldt, and to provide for the reduction of taxation therein and expenses thereof, approved April first, eighteen hundred and seventy.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 229—An Act authorizing and empowering the Auditor of El Dorado County to allow certain claims against said county.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 246—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March second, eighteen hundred and seventy-two.

Rules suspended, considered engrossed, read third time, and passed.



On motion of Mr. Pendegast, the special order set for to-day at two o'clock P. M. (the contested election case of Gildea vs. Fraser), was postponed and made the special order for to-morrow, at the same hour.

Subsequently, on motion of Mr. Neff, the vote postponing the special order for to-morrow was reconsidered, and it was postponed and made the special order for Tuesday, the seventeenth instant, at two o'clock P. M.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Lindsey, the Senate took a recess until one o'clock and thirty minutes P. M.

#### REASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate reassembled.

The President in the chair.

Roll called, and a quorum present.

#### REPORTS.

Reports were made as follows:

Mr. Gibbs, at the request of Mr. Laine, by leave, made the following report:

MR. PRESIDENT: The Santa Clara delegation, to whom was referred Senate Bill No. 265—An Act concerning roads and highways in the County of Santa Clara—now report the same back, and recommend its passage.

LAINE, for Delegation.

Mr. McMurry, by leave, made a report as follows:

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred a resolution relative to the pay of the Clerk of Sergeant-at-Arms of the Senate, herewith report it back, with a recommendation that it be adopted.

McMURRY, Chairman.

*Resolved*, That the Clerk to the Sergeant-at-Arms of the Senate be allowed eight dollars per diem, instead of five, as heretofore provided, from the first of December, eighteen hundred and seventy-three, until the close of the present session of the Legislature, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

#### GENERAL FILE RESUMED.

Assembly Bill No. 210—An Act to regulate official fees and salaries in the County of San Bernardino.

Substitute adopted, read third time, and passed.

Assembly Bill No. 233—An Act granting leave of absence to C. Burden, Public Administrator and Coroner of the County of Tuolumne.

Read third time and passed.

Senate Bill No. 241—An Act to prescribe the term of Supervisors in the County of Tuolumne.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 138—An Act to provide for the payment of the

Architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco.

Rules suspended, amendments adopted, read third time, and passed.

On motion of Mr. Edgerton, the rules were suspended and Assembly Bill No. 333, in the following Assembly message, was taken up, read first and second times, rules further suspended, and by unanimous consent read third time and passed:

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 13th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under a suspension of the rules, Assembly Bill No. 333—An Act to amend an Act to establish a Code of Civil Procedure.

JOHN WEBBER,  
Assistant Clerk.

GENERAL FILE RESUMED.

Senate Bill No. 212—An Act for the relief of Jasper W. Marshall.

Rules suspended, bill considered engrossed, read a third time, and on the passage of the bill the ayes and noes were demanded by Messrs. O'Connor, Finney, and Fraser, and it passed, by the following vote:

AYES—Messrs. Andross, Boggs, Crane, Duffy, Eakin, Edgerton, Evans, Fraser, Garratt, Gibbons, Hopkins, Kent, Lindsey, Martin, Neff, O'Connor, Perkins, and Tuttle—18.

NOES—Messrs. Bartlett, Dyer, Farley, Finney, Goodale, Graves, Hendricks, McCoy, McCune, McKusick, McMurry, Spencer, and Turner—13.

Senate Bill No. 211—An Act for the protection of settlers on public lands claimed by the State.

Amendments to the bill adopted, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill No. 231—An Act to provide for the establishment of a public library in the City of Los Angeles.

Amendments to the bill adopted, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill No. 136—An Act to repeal an Act entitled an Act to make an Act herein named applicable to the County of San Bernardino.

Amendments to the bill adopted, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill No. 204—An Act for the protection of preëmption and homestead claimants.

Rules suspended, considered engrossed, read a third time, and passed.

Senate Bill No. 266—An Act concerning the quarterly meetings of the Board of Supervisors of Nevada County.

Rules suspended, considered engrossed, read a third time, and passed.

Senate Bill No. 92—An Act to provide for the payment of outstanding indebtedness of Olmstead School District, in San Luis Obispo County.

Substitute adopted, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill No. 208—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Los Angeles, and in the County of San Diego, and parts of Monterey County, approved February fourteenth, eighteen hundred and seventy-two, and to repeal an Act amendatory thereof, approved March fifth, eighteen hundred and seventy-two.

Referred to the Committee on Agriculture.

Assembly Bill No. 23—An Act granting certain tide lands to the City of Oakland.

Amendments adopted, read a third time, and passed.

Assembly Bill No. 35—An Act to amend section three thousand three hundred and eighty-five of the Political Code.

Amendments adopted, read a third time, and passed.

Assembly Bill No. 234—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as the same relates to Santa Cruz County.

Read a third time, and passed.

Assembly Bill No. 106—An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank, any deposit therein where the same does not exceed the sum of three hundred dollars.

Read a third time, and passed.

Senate Bill No. 26—An Act to amend section two thousand four hundred and sixty-six of the Political Code, concerning pilot regulations for San Francisco, Mare Island, Vallejo, and Benicia.

Recommendation of the committee, that the bill do not pass, adopted.

Assembly Bill No. 220—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers, in the County of Stanislaus.

Amendments adopted, and ordered engrossed.

Senate Bill No. 243—An Act to provide for the payment of the indebtedness of Swamp Land District Number Six, in Tulare County.

Amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

#### ADJOURNMENT TO MONDAY NEXT.

Mr. Duffy moved, that when the Senate adjourns to-day it adjourns to meet again on Monday next, at two o'clock and thirty minutes P. M.  
Carried.

#### GENERAL FILE RESUMED.

Senate Bill No. 146—An Act relative to apprentices and masters.  
Considered in Committee of the Whole.

In Senate, amendments reported from the Committee of the Whole concurred in, and ordered engrossed.

Senate Bill No. 187—An Act to authorize C. H. Reynolds to sue the State of California.

Substitute adopted, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill No. 201—An Act concerning certain lands situate within and belonging to the City and County of San Francisco.

Recommitted to the Judiciary Committee.

Senate Bill No. 99—An Act supplementary to an Act entitled an Act to provide for furnishing the State Normal School building, and to pay the indebtedness incurred in its construction, approved March twenty-ninth, eighteen hundred and seventy-two.

Ordered engrossed.

Mr. Tuttle gave notice, that on Monday next he would move to reconsider the vote whereby the bill was ordered engrossed.

On motion of Mr. Boggs, the vote whereby Assembly Bill No. 35 was passed, was reconsidered.

Mr. Duffy moved to refer the bill to the Committee on Public Morals. Lost.

Mr. Boggs offered an amendment to section one: "That horses kept for the purposes of propagation, shall be charged a license of fifty dollars."

Lost.

Bill amended, on motion of Mr. Turner.

Mr. Perkins, from the Committee on Claims, verbally reported Senate Bill No. 257—An Act to provide a remedy in certain cases—and moved its reference to the Judiciary Committee.

So ordered.

Mr. Turner gave notice that he would, on Monday next, reconsider the vote whereby Senate Bill No. 211 passed.

At three o'clock and ten minutes P. M., on motion of Mr. Neff, the Senate adjourned.

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## IN SENATE.

SENATE CHAMBER,  
Monday, February 16th, 1874. }

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Slater.

Journal of Friday last read and approved.

## PETITIONS.

Mr. Duffy presented a petition from conductors and drivers of the North Beach and Mission Railroad Company, in the City of San Francisco, in reference to a bill regulating the hours of labor on street railways.

Received, and laid on the table.

Mr. O'Connor presented petitions from citizens of Nevada County, in reference to the construction of a railroad from Colfax to Nevada City, via Grass Valley.

Received, and referred to the Committee on Corporations.

Mr. Finney presented a petition favoring the eligibility of women to educational offices.

Received, and laid on the table.



## REPORTS.

Reports were submitted as follows:

By Mr. Goodale:

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 254—An Act to amend sections three hundred and six and three hundred and seven of the Penal Code—report the same back, and recommend its passage.

GOODALE, Chairman.

By Mr. Lindsey:

MR. PRESIDENT: Your committee to whom was referred Assembly Bill No. 191—An Act to provide for the protection of lands from overflow in the County of Yuba—have had the same under consideration, and now report the bill back, with the recommendation that it pass.

Also, have had under consideration Senate Bill No. 279—An Act to amend an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two—and now report the bill back, with the recommendation that it pass.

LINDSEY, for Committee.

By Mr. Hopkins:

MR. PRESIDENT: The Committee on Irrigation and Water Rights, to whom was referred Senate Bill No. 127—An Act entitled an Act to promote irrigation in the County of Los Angeles—report the same back with amendments, and recommend its passage as amended.

HOPKINS, Chairman.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 131—An Act entitled an Act to fix the salary of the County Judge in the Counties of San Diego and San Bernardino;

Also, Senate Bill No. 215—An Act entitled an Act fixing the compensation of certain officers in the County of Humboldt;

And have presented the same to his Excellency the Governor, for his approval, this day, at two o'clock and forty minutes P. M., and at the same time delivered to the Governor Senate Concurrent Resolution No. 16—relative to the adoption of a treaty of reciprocity between the United States and Mexico.

McMURRY, Chairman.

By Mr. Pendegast:

MR. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 219—An Act to indemnify bona fide settlers on the Yosemite Grant—and report the same back, and recommend its passage.

Also, Senate Bill No. 181—An Act for the relief of A. E. Servatius—and report the same back, and recommend its passage.

Also, Senate Bill No. 148—An Act exempting firemen of Nevada from

the payment of poll taxes—and report the same back without recommendation.

Also, Assembly Bill No. 140—An Act applying certain sections of the Political Code to the County of Fresno—and report the same back with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 218—An Act to repeal an Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto—and report the same back, and recommend its passage.

Also, Senate Bill No. 235—An Act to amend certain sections of the Political Code concerning the government of cities—and report the same back, and recommend that it do not pass, for the reason that the objects sought by the bill are already provided for by the Political Code.

Also, Senate Bill No. 236—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, to add a new section thereto, to be known as section four thousand and forty-seven—and report the same back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Assembly Bill No. 59—An Act to make valid a certain deed made by the Board of Supervisors of the County of San Bernardino, and the Board of Trustees of the Town of San Bernardino—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 239—An Act to amend sections four thousand two hundred and thirty-four, four thousand two hundred and thirty-five, four thousand two hundred and thirty-six, and four thousand two hundred and thirty-eight of the Political Code—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 217—An Act to authorize the Treasurer of Contra Costa County to deposit the funds of the county in the Bank of Martinez—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 212—An Act granting leave of absence to George J. Bennett, County Recorder and Auditor of Contra Costa County—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 272—An Act to legalize and make valid the election of certain officers in San Diego County—and report the same back, with a substitute therefor, and respectfully recommend the adoption and passage of the substitute.

Also, Assembly Bill No. 169—An Act to legalize the debt contracted for building a school house in Martinez School District, and to provide for the payment of the same—and report the same back, and recommend its passage.

Also, Senate Bill No. 225—An Act to amend the Code of Civil Procedure of the State of California—and report the same back, with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

PENDEGAST, Chairman.

By Mr. Farley:

Mr. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 164—entitled an Act to incorporate the City of Santa Barbara—have had the same under consideration, and report the

same back with a substitute, and respectfully recommend the adoption and passage of the substitute.

Also, Senate Bill No. 227—An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 221—An Act to provide funds for the Town of San Luis Obispo—and report the same back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 283—An Act entitled an Act to authorize the Mountain View Cemetery Association to issue bonds—and report the same back, and respectfully recommend the passage of the bill.

Also, Assembly Bill No. 155—An Act to incorporate Salinas City—and report the same back with amendments, and recommend its passage as amended.

FARLEY, Chairman.

By Mr. Andross:

MR. PRESIDENT: The Tuolumne delegation, to whom was referred Assembly Bill No. 248—entitled an Act fixing the salaries of certain county officers in Inyo County; and Assembly Bill No. 249—entitled an Act concerning official bonds in Mono County—respectfully return the same and recommend their passage.

ANDROSS, for Delegation.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 230—An Act to make women eligible to educational offices.

Also, Senate Bill 194—An Act to pay certain claims in favor of Patrick Kearns.

Also, Senate Bill No. 277—An Act to amend section four hundred and sixty-six of the Penal Code.

Also, Senate Bill No. 161—An Act to prevent the sale of intoxicating beverages on election days.

Also, Senate Concurrent Resolution No. 43—asking Congress to declare the meaning of the joint resolution of Congress of June twenty-eighth, eighteen hundred and seventy, in reference to the reserves for a land grant to the Southern Pacific Railroad Company of California, and to restore certain lands to the public domain.

Also, Senate Bill No. 248—An Act granting leave of absence to Abraham Powell, Supervisor for the First Supervisor District in the County of Solano.

Also, Senate Bill No. 222—An Act to amend an Act entitled an Act to provide for the manner of auditing claims against the County of Humboldt, and to provide for the reduction of taxation therein, and expenses thereof, approved April first, eighteen hundred and seventy.

Also, Senate Bill No. 229—An Act to authorize and empower the Auditor of El Dorado County to allow certain claims against the county.

Also, Senate Bill No. 246—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March twentieth, eighteen hundred and seventy-two.



Also, Senate Bill No. 241—An Act to prescribe the term of Supervisors in the County of Tuolumne.

Also, Senate Bill No. 212—An Act for the relief of James W. Marshall.

Also, Senate Bill No. 211—An Act for the protection of settlers on public lands claimed by the State.

Also, Senate Bill No. 204—An Act for the protection of preemption and homestead claimants.

Also, Senate Bill No. 92—An Act to provide for the payment of outstanding indebtedness of Olmstead School District, in San Luis Obispo County.

Also, Senate Bill No. 231—An Act to provide for the establishment of a public library in the City of Los Angeles.

Also, Senate Bill No. 136—An Act to repeal an Act entitled an Act to make an Act herein named, applicable to the County of San Bernardino.

Also, Senate Bill No. 266—An Act concerning the quarterly meetings of the Board of Supervisors of Nevada County.

Also, Senate Bill No. 220—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Stanislaus.

Also, Senate Bill No. 243—An Act to provide for the payment of the indebtedness of Swamp Land District Number Six, in Tulare County.

TUTTLE, for the Committee.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
February 13th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 116—An Act to amend the Penal Code, by adding a section, to be designated as section seven hundred and ninety-five, relating to the trial of certain cases.

Also, Assembly Bill No. 124—An Act to allow the San Diego and Arizona Mining Company to change its principal place of business from San Diego to the City and County of St. Louis, Missouri.

Also, Assembly Bill No. 136—An Act to amend the Political Code of the State of California.

Also, Assembly Bill No. 163—An Act for the more effectual prevention of cruelty to animals.

Also, Assembly Bill No. 184—An Act to repeal section one thousand five hundred and forty-two of the Political Code.

Also, Assembly Bill No. 245—An Act for the relief of B. K. Thorn, Sheriff of Calaveras County.

Also, Senate Concurrent Resolution No. 16—reciprocity treaty with Mexico.

Also, Senate Bill No. 131—An Act to fix the salary of the County Judge in the Counties of San Diego and San Bernardino.

Also, Senate Bill No. 171—An Act to fix the salaries and compensation of certain officers in Yuba County.

Also, Senate Bill No. 215—An Act fixing the compensation of certain officers of Humboldt County.



Also, on the twelfth instant, passed Assembly Bill No. 276—An Act to authorize Isaac E. Davis and Henry Cowell, and others, to lay down and maintain water pipes in the Town of Santa Cruz.

Also, on the eleventh instant, passed Substitute for Assembly Bill No. 194—An Act to amend the Code of Civil Procedure relative to liens of mechanics and others upon real property.

Also, Assembly Bill No. 195—An Act to fix the salaries of certain officers in Mendocino County.

Also, on this date, refused to pass Senate Bill No. 182—An Act to provide for the building of a school house in Oak Dale School District, in the County of Stanislaus, State of California.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
February 16th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the fourteenth instant, passed Senate Bill No. 83—An Act to legalize certain bonds of the City of San Diego, and to provide for the payment of interest thereon, and for the redemption thereof.

Also, Senate Bill No. 172—An Act to add a new section to the Penal Code.

Also, Senate Bill No. 196—An Act to pay the claim of Newton Benedict.

Also, Senate Bill No. 228—An Act to add five additional Notaries Public in Stanislaus County.

Also, amended and passed Senate Bill No. 224—An Act to amend section six hundred and thirty-two of the Penal Code.

Also, indefinitely postponed Senate Concurrent Resolution No. 34—relative to the establishment of a penal colony in Alaska.

Also, on February thirteenth, concurred in Senate amendment to Assembly Bill No. 171—An Act to provide for the construction of certain wagon roads in the County of Humboldt.

Also, concurred in Senate amendments to Assembly Bill No. 138—An Act to provide for the payment of the Architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second Streets, in the City and County of San Francisco.

Also, concurred in Senate amendments to Substitute for Assembly Bill No. 23—An Act granting certain tide lands to the City of Oakland.

Also, adopted Senate Substitute for Assembly Bill No. 210—An Act to regulate official fees and salaries in the County of San Bernardino.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 116, 136, 184, and 194, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 124, above reported, read first and second times, and referred to the Committee on Mines and Mining Interests.

Assembly Bill No. 163, above reported, read first and second times, and referred to the Committee on Public Morals.

Assembly Bill No. 245, above reported, read first and second times, and referred to the Committee on Claims.

Assembly Bill No. 276, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 295, above reported, read first and second times, and referred to the Mendocino County delegation.

Senate Bill No. 224, above reported, the Senate refused to concur in Assembly amendments to the bill.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to amend sections one hundred and ninety and eleven hundred and fifty-seven of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act to amend section thirty-six hundred and seven, and to add a new section, to be known as section thirty-six hundred and eight, to an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on State and County Revenue.

By Mr. Perkins—An Act to amend section one hundred and ninety of the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gibbons—An Act for the protection of quail in the Counties of San Mateo, Contra Costa, Alameda, Marin, Santa Clara, San Joaquin, and Sacramento.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Keys—An Act to authorize the Board of Supervisors of Merced County to sell and convey the Court House block and buildings thereon in the Town of Snellings.

Read first and second times, and ordered on file.

By Mr. Martin—An Act to amend sections eight hundred and thirty-two, eight hundred and forty-five, eight hundred and forty-nine, eight hundred and ninety-two, eight hundred and ninety-five, nine hundred and seventy-four, and to repeal section eight hundred and forty-eight of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McKusick—An Act regulating the sale of mineral lands belonging to the State.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Boggs—An Act to provide for the time of holding terms of the County Court and Probate Court in the County of Colusa.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time and passed.

By Mr. McMurry—An Act to prevent running of sawdust into Brandy Creek, Shasta County.

Read first and second times, and, with petition, referred to the Judiciary Committee.

By Mr. Graves—An Act to amend an Act entitled an Act to reincor-

porate the Town of San Luis Obispo, approved March fourth, eighteen hundred and seventy-two.

Read first and second times, and referred to Committee on Corporations.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

In accordance with previous notice, Mr. Tuttle moved to reconsider the vote whereby Senate Bill No. 99 was ordered engrossed.

The motion prevailed, the bill recommitted to the Committee on Education, and ordered printed.

On motion of Mr. Pendegast, the rules were suspended, and Assembly Bill No. 177—An Act to reincorporate the City of Napa—taken up.

Read a third time and passed.

Mr. McCoy offered a concurrent resolution in relation to mail service between San Diego and Julian Mining District.

Read first and second times, and referred to the Committee on Federal Relations.

#### GENERAL FILE.

Senate Bill No. 29—An Act to amend section one hundred and ninety of the Penal Code, and to abolish capital punishment.

Mr. Laine moved to make the bill a special order for Wednesday, the twenty-fifth instant, at two o'clock P. M.

Lost.

On motion of Mr. O'Connor, the bill was ordered to the top of the General File for Wednesday, the twenty-fifth instant.

Mr. Boggs moved to suspend the rules to take up Assembly Bill No. 279—An Act to amend an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

So ordered. Amended by enacting clause inserted in the bill. Ordered engrossed.

Assembly Bill No. 111—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors and drivers, and to amend section three thousand two hundred and forty-four of said Code.

On motion of Mr. Duffy, recommitted to the Judiciary Committee, together with a petition presented by him to-day.

Senate Concurrent Resolution No. 18—Requesting Congress to grant certain lands to the State of California.

Passed on the file.

Senate Bill No. 192—An Act to provide for the location, construction, and maintenance of public roads in the County of Tulare.

Read a third time and passed.

At four o'clock and fifty-three minutes P. M., on motion of Mr. Farley, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
 Tuesday, February 17th, 1874. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Slater.

Journal of yesterday read and approved.

## REPORTS.

Reports were submitted as follows:

By Mr. Perkins:

MR. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 103—An Act for the examination of the claim of S. D. Smith. This claim is for damages sustained by claimant by reason of a certain contract entered into September twelfth, eighteen hundred and sixty-four, with the Capitol Commissioners, in which said claimant or his assigns was to open the granite quarry belonging to the State, and furnish stone as required from time to time by the Architect and Superintendent of the State Capitol. This contract was to extend and be in force until the first Monday of December, eighteen hundred and sixty-five. At this time, it is claimed, the entire Capitol building was to be constructed of granite. The Commissioners, however, changed the original plans after the completion of the first story, substituting brick for granite, thereby saving a large sum of money to the State in the construction of the building, but damaging the claimant, as his contract was to furnish the stone at so much per surface foot; and the loss he sustained on the first story would have been made up to him, with large profits, had he been permitted to furnish granite for the whole building (as was contemplated by the original plan), by reason of the blocks of granite required becoming much lighter as the building progressed. The committee find the change in the plan of the building was not made until after the contract made by the Capitol Commissioners for granite had expired; hence, there is no question that this is not a legal claim against the State. And as the claimant has continued to enjoy the privilege of selling granite from the quarry to other parties in the State, and has continued to furnish all the granite that has been required to complete the State Capitol, the committee are, therefore, of the opinion that the claimant cannot now justly claim, in equity, anything from the State. We therefore respectfully report the bill back, with the recommendation that it do not pass.

Also, Senate Bill No. 193—An Act making appropriations for the payment of a certain claim in favor of John A. Breuner—and report the same back, with an amendment, and respectfully recommend the passage of the bill as amended.

PERKINS, Chairman.



By Mr. Pendegast:

Mr. PRESIDENT: The Committee on Judiciary have had under consideration Assembly Bill No. 109—An Act to amend section thirty-three hundred and eighty-two of the Political Code—and report the same back, with amendments, and respectfully recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 278—An Act to amend the Political Code concerning the delinquency of taxes—and report the same back, and recommend its passage.

Also, Senate Bill No. 197—An Act relating to the officers and government of San Mateo. The committee report this bill back without action, as it appears by the indorsement to be improperly in the hands of the committee. The bill was engrossed and passed. Afterwards, the vote by which the bill was engrossed was reconsidered; but there was no reconsideration of the passage of the bill.

Also, Senate Bill No. 275—An Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city—and report the same back, and recommend its passage.

Also, Senate Bill No. 287—An Act for the relief of J. C. Hamer—and report the same back with an amendment, and respectfully recommend the adoption of the amendment and the passage of the bill as amended.

Also, Senate Bill No. 2—An Act to establish and maintain a training ship in the City and County of San Francisco—and report the same back with amendments, and respectfully recommend the adoption of the amendments and the passage of the bill as amended.

Also, Substitute for Assembly Bill No. 186—An Act to amend section two hundred and fifty-five of the Political Code—and report the same back, and recommend its passage.

Also, Senate Bill No. 249—An Act to amend section nine hundred and seventy-seven of the Code of Civil Procedure—and report the same back, and recommend its passage.

Also, Substitute for Assembly Bill No. 107—An Act to repeal subdivision second of section one hundred and fifteen of the Code of Civil Procedure—and report the same back, and recommend its passage.

Also, Senate Bill No. 270—An Act requiring Sheriffs to wear a badge; Also, Senate Bill No. 152—An Act to protect agriculture, and to allow districts to elect to come under its provisions;

Also, Senate Bill No. 260—An Act to amend section twenty-nine hundred and fifty-five of the Political Code;

And report these bills back, and recommend that they do not pass.

PENDEGAST, Chairman.

By Mr. Bush:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 146—An Act relative to apprentices and masters.

Also, Senate Bill No. 187—An Act to authorize C. H. Reynolds to sue the State of California.

BUSH, for Committee.

By Mr. Hendricks:

Mr. PRESIDENT: The Butte delegation, to whom was referred Assem-

bly Bill No. 180—An Act to fix the salary of the Superintendent of Public Schools in Butte County—report the same back, and recommend its passage.

HENDRICKS, for Delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Neff—An Act to amend section thirteen hundred and twenty-nine of the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McCune—An Act to divide the County of Solano, and erect within the present limits of said county a new county, to be known as Vallejo County.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Martin—An Act to amend the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hendricks—An Act to compel the collection of agricultural statistics.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Laine—An Act to amend the Political Code concerning public schools.

Read first and second times, and referred to the Committee on Education.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Bush asked leave to withdraw from the possession of the Senate a petition presented by him on Friday last in reference to the creation of a new county out of Los Angeles County.

So ordered, by unanimous consent.

Mr. Pendegast asked to be relieved from serving as a member of the Special Committee on State University Affairs.

So ordered.

By Mr. Keys:

WHEREAS, The Committee on Public Buildings other than Prison Buildings, having had under consideration Senate Bill No. 147—"An Act to provide for the sale of certain property belonging to the State"—since January twenty-second, eighteen hundred and seventy-four; therefore, be it

*Resolved*, That they be and are hereby most respectfully requested to return the same to the Senate at their earliest convenience.

Adopted.

#### GENERAL FILE.

Senate Bill No. 188—An Act to amend an Act entitled an Act to authorize certain persons to improve a certain portion of Kings River, and to erect booms thereon.

Recommendation of the committee that "the bill do not pass" adopted.

Senate Bill No. 230—An Act to make women eligible to educational offices.

Mr. Farley moved to recommit the bill to the Committee on Education, with special instructions to amend the bill so as to prevent women from holding the office of County Superintendent of Common Schools. On which the ayes and noes were demanded by Messrs. Farley, Duffy, and Garratt, and the motion was lost, by the following vote:

AYES—Messrs. Bartlett, Duffy, Dyer, Eakin, Farley, Fraser, McCoy, McCune, and Tuttle—9.

NOES—Messrs. Beck, Boggs, Bush, Crane, DeHaven, Edgerton, Evans, Finney, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Martin, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, and Turner—28.

Read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Farley, Duffy, and Dyer, and it passed, by the following vote:

AYES—Messrs. Bartlett, Beck, Boggs, Crane, DeHaven, Duffy, Edgerton, Evans, Finney, Garratt, Gibbons, Goodale, Graves, Hopkins, Irwin, Kent, Keys, Laine, Martin, McMurry, Pendegast, Perkins, Roach, Spencer, and Turner—24.

NOES—Messrs. Bush, Dyer, Eakin, Farley, Fraser, Hendricks, Laine, McCoy, McCune, McKusick, Neff, O'Connor, and Tuttle—13.

Mr. Duffy gave notice that, on to-morrow, he would move to reconsider the vote by which the bill passed.

Mr. Pendegast, by leave, offered the following resolution:

*Resolved*, That in the proceedings relative to the contested seat of Senator Fraser, the contestant and respondent may be heard by counsel before the Senate, counsel for the contestant to open and close.

Adopted.

Mr. Edgerton, by leave, introduced a bill, as follows: An Act to acquire title to certain lands in the Governor's Mansion block.

Read first and second times, and referred to the Judiciary Committee.

Mr. Edgerton submitted a report, as follows:

MR. PRESIDENT: Your Joint Committee on the Translation of the Laws into the Spanish Language respectfully report that, on Monday, the second day of February, eighteen hundred and seventy-four, they met at the office of the Secretary of State, in order to receive bids for the translation of the laws and public documents of the State of California during the twentieth session of the Legislature, and that after an examination as to the qualifications of all bidders present, your committee, on the eleventh day of February, eighteen hundred and seventy-four, awarded the contract of José F. Godoy for translating the said laws into the Spanish language, at the rate of eighteen cents per folio.

HENRY EDGERTON,  
Chairman Senate Committee.

J. A. AMERMAN,  
Chairman House Committee.

On motion of Mr. Pendegast, the special order set for two o'clock P. M., to-day—contested election case of *Gildea v. Fraser*—was postponed until two o'clock and thirty minutes, and at two o'clock P. M. the Senate took a recess until that hour.

#### REASSEMBLED.

At two o'clock and thirty minutes P. M., the Senate reassembled.

President in the chair.

Roll called, and quorum present.

#### SPECIAL ORDER.

Contested election case of *Gildea v. Fraser*.

The report of the Committee on Elections, submitted by said committee on January twenty-seventh, was read.

The resolution, permitting the contestant and respondent to appear by counsel, was then read.

Creed Haymond, Esq., appeared as counsel for the contestant.

Philip Teare, Esq., appeared as counsel for the respondent.

Mr. Edgerton offered a resolution as follows:

*Resolved*, That at the general election held in the State of California on the first Wednesday of September, A. D. eighteen hundred and seventy-three, the Hon. Thomas Fraser was legally elected State Senator from the Fifteenth Senatorial District, composed of the County of El Dorado, for the full term of four years, and that he is entitled to his seat as such Senator.

On motion of Mr. Edgerton, the further consideration of the matter was made a special order for to-morrow, at two o'clock P. M.

Mr. Edgerton offered a resolution to change the hour of meeting from eleven to ten o'clock A. M.

Laid over, under the rules.

#### REPORT.

Mr. McMurry submitted the following report:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 172—entitled an Act to add a new section to the Penal Code;

Also, Senate Bill No. 196—entitled an Act to pay the claim of Newton Benedict;

Also, Senate Bill No. 228—entitled an Act to add five additional Notaries Public in Stanislaus County;

Also, Senate Bill No. 171—entitled an Act to fix the salaries of certain officers in Yuba County;

And have presented the same to his Excellency the Governor, for his approval, this day, at twelve o'clock M.

McMURRY, Chairman.

At five o'clock P. M., on motion of Mr. Beck, the Senate adjourned.



## IN SENATE.

SENATE CHAMBER,  
Wednesday, February 18th, 1874. }

The Senate met pursuant to adjournment.  
The President in the chair.  
Roll called, and a quorum present.  
Prayer by the Rev. Mr. Slater.  
Journal of yesterday read and approved.

## PETITION.

Mr. Keys presented a remonstrance from citizens and taxpayers of Merced County, against the increase of salaries of county officers.  
Received, and referred to the Merced County delegation.

## REPORTS.

Reports were submitted as follows:

By Mr. Beck:

Mr. PRESIDENT: Your Committee on Public Buildings, to whom was referred Senate Bill No. 147—An Act to provide for the sale of certain property belonging to the State—have had the same under consideration, and report the bill back without recommendation.

BECK, Chairman.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 52—An Act to amend the Civil Code—and report the same back, and recommend that it be referred to the Committee on Corporations.

Also, Senate Bill No. 280—An Act to amend the Civil Code—and report the same back, and recommend its passage.

Also, Senate Bill No. 289—An Act to amend section two thousand two hundred and forty of the Political Code—and report the same back, and recommend its passage.

Also, Senate Bill No. 285—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code—and report the same back, and recommend its passage.

Also, Senate Bill No. 288—An Act to amend an Act entitled an Act to establish a Political Code, approved February fourteenth, eighteen hundred and seventy-two—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 125—An Act granting leave of absence to D. B. Merry, County Surveyor of Nevada County—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 116—An Act to amend the Penal Code by adding a new section, to be designated as section seven hundred and ninety-five, relating to the trial of certain cases—and report the same

back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 298—An Act to prevent running sawdust into Brandy Creek, in Shasta County—and report the same back, and recommend its passage.

Also, Assembly Bill No. 184—An Act to repeal section one thousand five hundred and forty-two of the Political Code—and report the same back, and recommend its passage.

PENDEGAST, Chairman.

By Mr. Bush:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 297—An Act to provide for the time of holding terms of the County Court and Probate Court in the County of Colusa.

Also, Senate Bill No. 279—An Act to amend an Act to provide for funding the indebtedness of reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

BUSH,  
For the Committee.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 83—entitled an Act to legalize certain bonds of the City of San Diego, and to provide for the payment of the interest thereon, and for the redemption thereof, and have presented the same to his Excellency the Governor, for his approval, this day, at eleven o'clock A. M.

McMURRY, Chairman.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on State and County Revenue, to whom was referred Senate Bill No. 269—An Act fixing the salaries of certain officers of San Luis Obispo County—having examined the same, would report the bill back, and recommend its passage.

O'CONNOR, Chairman.

By Mr. Boggs:

MR. PRESIDENT: Your committee to whom was referred Senate Bill No. 74—An Act to establish the county line between the counties of Fresno and Tulare—have had the same under consideration, and now report the bill back with a substitute therefor, and recommend the passage of the substitute.

BOGGS, Chairman.

By Mr. Graves:

MR. PRESIDENT: The undersigned, a minority of the Committee on the Judiciary, being unable to concur with a majority as to the constitutionality of Assembly Bill No. 91—An Act to authorize the closing of certain streets in the City and County of San Francisco—beg leave to present, for the consideration of the Senate, the reasons which compel

them to dissent from the conclusion of the majority, and on which, in their opinion, the bill should not pass.

This bill attempts to authorize Messrs. Dickey and Covey, and some thirty-eight others, to close completely, for the term of ten years, a tract of land in the City and County of San Francisco, described in the bill, for the purpose of establishing thereon agricultural and mechanical fair grounds, and a race track, and to construct and maintain a fence or fences across various streets and avenues, named in the bill, which, according to the official plat of that portion of the city, run through and across the tract described. We understand the persons named in the bill now own absolutely or have leases of all the lands embraced by the lines of the inclosure contemplated, and that, therefore, there is no objection from any owner of such lands, to the passage of this bill; but the owners of the lands adjacent to the proposed inclosure have not, so far as is shown, assented in any manner to the closing up of these streets.

Various Acts of the Legislature and ordinances of the City of San Francisco have resulted in the laying out of the entire tract known as the Western Addition, embracing the land described in this bill, into lots, blocks, streets, and squares, and the legal and effectual dedication of these to public uses.

The entire Western Addition, or at least that portion of it affected by the streets sought to be closed, has long since passed into private proprietorship, the city having conveyed its title acquired under the Act of Congress of eighteen hundred and sixty-six, to the actual occupants of the land, in reference to the official plat referred to.

The streets and highways sought to be closed, were taken and reserved by the city, and, as we are informed, were paid for by an assessment on all the outside lands. The occupants of these lands, who were the beneficiaries under the Act of Congress, were required to pay for these lands, and to comply with all the other onerous conditions precedent to the acquisition of titles to their property, which were imposed by the Legislature in pursuance of the Act of Congress vesting the title in the city. It is nowhere contended that these conditions have not been precisely performed.

We have here, then, all the elements of a legislative contract between the law-making power on the one hand, and the owners of these lands on the other, that the streets, in reference to which they acquired title to their lands, should permanently remain public streets and highways. This bill seeks to violate this compact, both in letter and in spirit. Can this be done?

The power of the Legislature to close, or authorize to be closed, the streets of a municipal corporation, has been frequently discussed in the Courts of the different States of the Union, and we confess the adjudications on the subject are neither uniform nor satisfactory. Judge Dillon, in his work on Municipal Corporations, section five hundred and twenty-seven, says: "The plenary power of the Legislature over streets and highways is such that it may, in the absence of special constitutional restriction, vacate or discontinue them, or invest municipal corporations with this authority; and this power, when exercised with due regard to individual rights, will not be restrained at the instance of a property owner, claiming that he is interested in keeping open the streets dedicated to be public," and refers to the case of *Gray v. Iowa Land Company* (26 Iowa Reports, pp. 307 and 308), as sustaining the text. On examining that case, we find that the Court guarded its decision by



saying that it would not be understood as holding that a Town Council could, at its mere will, arbitrarily, without regard to individual rights, vacate the public streets of the city. They say: "We are very far from laying down a proposition or rule so broad. That a case might arise, demanding equitable interposition at the instance of a citizen, we can well imagine. We only hold that the Council has the power to vacate, and that in this case it seems to have wisely, discreetly, and safely exercised it; no one, and least of all the appellant, being materially injured."

No one contends that the City of San Francisco, under legislative authority, cannot vacate a street; but the naked power to vacate is one thing, while the mode of its exercise is quite another. The mode, in all cases, must preserve individual rights, or it is in hostility to the constitutional provision prohibiting the taking of private property for any but a public use, and then only on making due compensation.

This bill defiantly proposes the destruction of rights of property without any sort of compensation; it seeks to take the property of the citizen without his consent and without compensation—not to devote it to a public purpose, but to confer it upon individuals, for a private purpose—a thing never authorized by the law of eminent domain.

Respectfully submitted.

W. T. GRAVES,  
J. J. DEHAVEN,  
T. H. LAINE.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
February 17th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the thirteenth instant, passed Assembly Bill No. 40—An Act to abate the squirrel nuisance in certain counties in the State of California.

Also, Assembly Bill No. 117—An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell certain lands in said city and county.

Also, Assembly Bill No. 118—An Act to provide for copying the mutilated maps on file in the office of the Recorder of the City and County of San Francisco.

Also, Assembly Bill No. 157—An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for the purpose of paying E. Chaquette for building bridges for said county.

Also, Assembly Bill No. 345—An Act to postpone the next charter election of the City of Oakland, and extend the time of the officers of said city.

Also, Assembly Bill No. 353—An Act to regulate the fees of the County Recorder of Santa Clara County.

Also, Assembly Bill No. 255—An Act to fix the salary and bond of the Treasurer of Fresno County, California.

Also, Assembly Bill No. 278—An Act in relation to jurors in Courts of Justices of the Peace in the County of Humboldt.



Also, Assembly Bill No. 290—An Act to prevent stallions from running at large in the County of Mono.

Also, Assembly Bill No. 303—An Act to provide for the construction of a common wagon road from Healdsburg, in Mendocino Township in Sonoma County, to Pine Flat, in said county.

Also, Assembly Bill No. 305—An Act providing for an additional Justice of the Peace in Chico Township, Butte County.

Also, Assembly Bill No. 312—An Act supplementary to an Act to establish a Paid Fire Department in the City of Sacramento, approved April first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 314—An Act to confer further powers upon the City Board of Examination of the City and County of San Francisco, and the Board of Education, Auditor, and Treasurer of said city and county.

Also, Assembly Bill No. 313—An Act to amend an Act supplementary to an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March thirtieth, eighteen hundred and seventy-two.

Also, that the Assembly on this day refused to recede from its amendment to Senate Bill No. 224—An Act to amend section six hundred and thirty-two of the Penal Code, and Messrs. Amerman, Cowdery, and Tinnin have been appointed as a Committee of Conference thereon.

Also, Assembly Bill No. 321—An Act to prevent hogs, horned cattle, goats, and horses from running at large in the Town of Martinez, in Contra Costa County.

Also, Assembly Bill No. 322—An Act to provide for the issuance of the bonds of the County of Marin, for the payment of the outstanding indebtedness of said county for road and bridge purposes.

Also, Assembly Bill No. 323—An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing south of Market street.

Also, Assembly Bill No. 330—An Act concerning roads and highways in the County of Monterey.

Also, Assembly Bill No. 348—An Act to regulate the traveling fees of the Sheriff of the County of Inyo, and of the Constables within said county.

Also, Assembly Bill No. 357—An Act to fix the salary of the Superintendent of Public Schools in the City of Marysville.

Also, on the fourteenth instant, passed Assembly Bill No. 364—An Act fixing the salary of County Clerk in the County of Shasta.

Also, Assembly Bill No. 365—An Act allowing the Sheriff of Shasta County compensation for the services of Under Sheriff.

Also, on the seventeenth instant, passed Substitute for Assembly Bill No. 167—An Act for the protection and preservation of fish in the waters of the several bays and creeks of this State.

Also, concurred in Senate amendments to Assembly Bill No. 198—An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

Also, adopted Assembly Concurrent Resolution No. 43—to correct a clerical error in Assembly Bill No. 171.

JOHN WEBBER,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 321, above reported, read first and second times, and referred to the Contra Costa County delegation.

Assembly Bill No. 222, above reported, read first and second times, and referred to the Marin County delegation.

Assembly Bill No. 323, above reported, read first and second times, and ordered returned to the Assembly, to insert an enacting clause in the bill.

Assembly Bill No. 330, above reported, read first and second times, and referred to the Monterey County delegation.

Assembly Bills Nos. 348 and 157, above reported, read first and second times, and referred to the Inyo County delegation.

Assembly Bill No. 357, above reported, read first and second times, and referred to the Yuba County delegation.

Assembly Bills Nos. 364 and 365, above reported, read first and second times, and referred to the Shasta County delegation.

Assembly Bills Nos. 167 and 290, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly Bill No. 40, above reported, read first and second times, and referred to the Contra Costa and Alameda County delegations.

Assembly Bills Nos. 117, 118, and 314, above reported, read first and second times, and referred to the San Francisco delegation.

Assembly Bill No. 255, above reported, read first and second times, and referred to the Fresno County delegation.

Assembly Bill No. 278, above reported, read first and second times, and referred to the Humboldt County delegation.

Assembly Bill No. 303, above reported, read first and second times, and referred to the Sonoma County delegation.

Assembly Bill No. 305, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bills No. 312 and 313, above reported, read first and second times, and referred to the Sacramento County delegation.

Assembly Bill No. 345, above reported, read first and second times, and referred to the Alameda County delegation.

Assembly Bill No. 353, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Concurrent Resolution No. 43, above reported, concurred in.

Senate Bill No. 224, above reported, the Assembly having refused to recede from its amendments to the bill, on motion of Mr. Turner, the rules were suspended, and the Chair authorized to appoint a Committee of Conference in relation to the disagreeing vote, and the President subsequently appointed Messrs. Turner, Goodale, and McCoy the committee on the part of the Senate.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Duffy—An Act for the relief of W. W. Brown, administrator of the estate of E. L. Brown, deceased.

Read first and second times, and referred to Committee on Claims.

By Mr. Gibbons—An Act to amend the Political Code in reference to the boundaries of Alameda County.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Lindsey—An Act to amend an Act entitled an Act to establish a Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Pendegast—An Act to permit the voters of every township, incorporated city or county in this State, to vote on the question of granting licenses to sell intoxicating liquors.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Tuttle—An Act to fix the fees of the County Surveyor of Sonoma County.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read third time and passed.

By Mr. Keys—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes.

Read first and second times, and referred to the Committee on State and County Revenue.

Also, An Act to repeal the Act creating the offices of Public Administrator and Coroner of Stanislaus County, and providing for the performance of the duties of the same by the Superintendent of Common Schools.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Roach—An Act to improve the navigation of the Sacramento and San Joaquin Rivers.

Read first and second times, referred to the Committee on Commerce and Navigation, and ordered printed.

By Mr. Turner—An Act to amend certain sections and to repeal certain sections of the Political Code.

Read first and second times, and referred to Committee on Swamp and Overflowed Lands.

By Mr. Goodale—An Act to quiet the title to certain salt marsh and tide lands in Contra Costa County.

Read first and second times, and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Beck moved to suspend the rules, to take up out of its order on the General File Assembly Bill No. 155—An Act to incorporate Salinas City.

So ordered, amendments adopted, read third time, and passed, rules further suspended, and the bill ordered transmitted immediately to the Assembly.

The resolution offered by Mr. Edgerton on yesterday was taken up, and amended to read as follows:

*Resolved*, That from and after Wednesday, February eighteenth, eighteen hundred and seventy-four, the hour of meeting of the Senate be and the same is hereby fixed at ten (10) o'clock A. M., and that the Senate take a recess each day from one until two o'clock P. M.

Adopted.

Mr. McKusick offered the following:

WHEREAS, Senate Bill No. 17—An Act to provide for the purchase of



stationery, blank books, light, fuel, furniture, etc., for State officers and members and officers of the Legislature—was introduced into this body December eighth, eighteen hundred and seventy-three, and referred to the Committee on Public Expenditures; and whereas, said committee have had the same in their possession for a period of seventy-three (73) days, and have in no manner reported the same to the Senate; therefore, be it

*Resolved*, That the Chairman of the Committee on Public Expenditures be respectfully requested to report the said bill immediately to the Senate, with or without recommendation.

Mr. Duffy moved to strike out "immediately," and to substitute, "at their earliest convenience."

Lost.

The resolution was adopted.

#### GENERAL FILE.

Senate Bill No. 110—An Act to provide for a State census in eighteen hundred and seventy-five.

Passed on file.

Senate Bill No. 194—An Act to pay certain claims in favor of Patrick Kearns.

Read third time and passed.

Senate Bill No. 161—An Act to prevent the sale of intoxicating beverages on election days.

Mr. Duffy moved to recommit the bill with special instructions.

Lost.

Read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Evans, McKusick, and Goodale, and it passed, by the following vote:

AYES—Messrs. Crane, DeHaven, Edgerton, Fraser, Garratt, Gibbons, Goodale, Hendricks, Laine, Lindsey, Martin, McCune, McKusick, Neff, O'Connor, Perkins, Spencer, Turner, and Tuttle—19.

NOES—Messrs. Andross, Bartlett, Boggs, Bush, Duffy, Dyer, Eakin, Evans, Farley, Graves, Hopkins, McCoy, McMurry, and Roach—14.

On motion of Mr. Tuttle, Senate Bill No. 52, reported from the Judiciary Committee to-day, with the recommendation that it be referred to the Committee on Corporations, was so referred.

At one o'clock P. M., the Senate took a recess, under the rule adopted to-day.

#### REASSEMBLED.

At two o'clock P. M., the Senate reassembled.

The President in the chair.

Roll called, and a quorum present.

#### SPECIAL ORDER.

Contested election case of Gildea vs. Fraser.

The resolution offered by Mr. Edgerton yesterday was read.



Creed Haymond, Esq., counsel, appeared, and closed his argument in favor of Mr. Gildea, the contestant.

Mr. Pendegast moved to refer the resolution, papers, and testimony in the case to the Judiciary Committee, with special instructions for the committee to report on Saturday next upon the legal question involved in the case.

So ordered.

#### GENERAL FILE RESUMED.

Senate Bill No. 220—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers, in the County of Stanislaus.

Read third time, and passed.

Senate Bill No. 146—An Act relative to apprentices and masters.

Read third time, and passed.

Senate Concurrent Resolution No. 42—relative to furnishing arms by the General Government.

Rules suspended, considered engrossed, amended, read third time, and adopted.

Senate Bill No. 55—An Act to repeal section nineteen hundred and thirty-six of the Political Code of the State of California, concerning jury duty, and the payment of poll taxes in certain cases.

On motion of Mr. Evans, ordered to the top of the General File for Monday, the twenty-third instant.

Senate Bill No. 130—An Act to amend the Political Code, and other Acts concerning military affairs.

On motion of Mr. Evans, ordered to the top of the General File for Monday, the twenty-third instant.

Senate Bill No. 190—An Act to provide for the establishment of probationary asylums for the insane or those supposed to be insane.

Recommendation of the committee, that the bill do not pass, adopted.

Senate Bill No. 251—An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of the Agricultural Park in said city.

Recommendation of the committee, that the bill do not pass, adopted.

Senate Bill No. 157—An Act to repeal an Act entitled an Act concerning service of summons upon absent defendants by publication.

Ordered engrossed.

Assembly Bill No. 139—An Act to amend section four hundred and ninety-six of the Penal Code.

Read third time, and passed.

Assembly Bill No. 91—An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco.

On motion of Mr. Bartlett, ordered to the top of the General File for Tuesday next, the twenty-fourth instant.

Mr. Edgerton moved that the minority report of the Judiciary Committee on Assembly Bill No. 91 be printed.

The motion prevailed.

Assembly Bill No. 253—An Act to repeal all special road laws in the County of Contra Costa.

Amendment adopted, read third time, and passed.

Senate Bill No. 242—An Act to regulate the salaries and fix the compensation of certain officers in the County of Napa.

Amended, rules suspended, and ordered engrossed.

**Assembly Bill No. 173**—An Act concerning certain public reservations in the City and County of San Francisco.

Referred to the Committee on Corporations.

**Senate Bill No. 282**—An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twentieth, eighteen hundred and seventy-two.

Rules suspended, considered engrossed, read third time, and passed.

**Senate Bill No. 267**—An Act to amend section four thousand three hundred and twenty-nine of the Political Code.

Passed on file.

**Senate Bill No. 265**—An Act concerning roads and highways in the County of Santa Clara.

Amended, rules suspended, considered engrossed, read third time, and passed.

**Senate Bill No. 254**—An Act to amend sections three hundred and six and three hundred and seven of the Penal Code.

Ordered engrossed.

[Mr. Evans in the chair.]

**Assembly Bill No. 191**—An Act to provide for the protection of lands from overflow in the County of Yuba.

Referred to Judiciary Committee.

**Senate Bill No. 127**—An Act to promote irrigation in the County of Los Angeles.

Considered in Committee of the Whole.

In Senate, amendments adopted in Committee of the Whole concurred in, and ordered to top of the General File for to-morrow.

In accordance to previous notice, Mr. Duffy moved to reconsider the vote by which Senate Bill No. 230—An Act to make women eligible to educational offices—passed on yesterday.

Mr. Finney moved to lay the motion on the table, on which the ayes and noes were demanded by Messrs. Duffy, Finney, and Garratt, and the motion prevailed, by the following vote:

**AYES**—Messrs. Bartlett, Beck, Boggs, Crane, Eakin, Evans, Finney, Garratt, Gibbons, Goodale, Graves, Hopkins, Kent, Keys, Lindsey, Martin, Pendegast, Perkins, Roach, and Spencer—20.

**NOES**—Messrs. Bush, DeHaven, Duffy, Dyer, Farley, Fraser, Hendricks, Irwin, Laine, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Turner, and Tuttle—17.

**Senate Bill No. 219**—An Act to indemnify bona fide settlers on the Yosemite grant.

Mr. Laine moved to amend section two by striking out the words "claims, rights, and," on which the ayes and noes were demanded by Messrs. Evans, Edgerton, and Neff, and the vote was declared as follows:

**AYES**—Messrs. Bartlett, Boggs, Bush, Crane, Duffy, Dyer, Fraser, Gibbons, Laine, Martin, McCune, McKusick, McMurry, Neff, O'Connor, Perkins, Roach, and Tuttle—18.

**NOES**—Messrs. Andross, Beck, DeHaven, Eakin, Edgerton, Evans, Farley, Finney, Goodale, Hendricks, Hopkins, Irwin, Kent, Keys, McCoy, Pendegast, Spencer, and Turner—18.

It being a tie vote, the President voted in the affirmative, and the amendment was adopted.

On motion of Mr. Laine, the bill was further amended by striking out section four.

The bill was ordered engrossed.

At five o'clock and thirty-five minutes P. M., on motion of Mr. Neff, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Thursday, February 19th, 1874. }

Senate met at ten o'clock A. M., pursuant to a rule adopted on yesterday.

President in the chair.

Roll called, and quorum present.

Prayer by the Rev. Mr. Slater.

Journal of yesterday read and approved.

## PETITION.

Mr. Bush presented a petition from the officers of the Patrons of Husbandry in Los Angeles and San Bernardino Counties, asking an appropriation from the State for the Agricultural and Mechanical Exposition of Southern California.

Received, and referred to the Committee on Agriculture.

## REPORTS.

Reports were submitted, as follows:

By Mr. Perkins:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 179—An Act for the relief of Richard Palmer—have had the same under consideration, and report it back, with the recommendation that it do not pass.

Also, Senate Bill No. 256—An Act making an appropriation for the payment of the unpaid salaries of the Code Commissioners, and other expenses incurred by the State under the Act approved March twenty-second, eighteen hundred and seventy-two—we find that services have been rendered the State by the Commissioners for which they have received no compensation. There is, however, another bill before the Judiciary Committee of the Senate, for the services of an advisory or examining committee. Believing that this whole subject matter should be examined by one committee, and the two bills embodied in one, to cover the expense of all that is a just claim against the State, we respectfully recommend that the bill herewith reported be referred to the Judiciary Committee.

Also, Assembly Bill No. 245—An Act for the relief of B. K. Thorn, Sheriff of Calaveras County—and respectfully report the bill back, without recommendation.

PERKINS, Chairman.

Senate Bill No. 256, above reported, was referred to the Judiciary Committee.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Contingent Expenses respectfully report that they have examined, and find correct, sundry bills, and ask the adoption of the following resolution:

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrant on the State Treasurer in favor of the following named persons, payable out of the appropriation for the contingent expenses of the Senate, viz:

Wells, Fargo & Co.....	\$88 00
C. Rave.....	7 50
J. Goolde.....	6 50
B. Denney & Co.....	37 50
George Booth .....	2 00
Pacific Ice Co.....	18 50
John J. Cass.....	55 25

McMURRY, Chairman.

The resolution was adopted.

By Mr. Laine:

MR. PRESIDENT: The Committee on Public Expenditures, to whom was referred Senate Bill No. 17, report the same back, with a recommendation that it do not pass.

LAINE, Chairman.

By Mr. McMurry:

MR. PRESIDENT: The delegation to whom was referred Assembly Bill No. 364—An Act fixing the salary of County Clerk in the County of Shasta—having had the same under consideration, herewith report it back, with the recommendation that it pass.

Also, Assembly Bill No. 365—An Act allowing the Sheriff of Shasta County compensation for the services of Under Sheriff—and herewith report it back, and recommend that it pass.

McMURRY, for Delegation.

By Mr. Eakin:

MR. PRESIDENT: The Tuolumne delegation, to whom was referred Assembly Bill No. 157—An Act to authorize the Board of Supervisors



of Inyo County to levy a special tax for the purpose of paying E. Chaquette for building bridges for said county—beg leave to report the same back to the Senate with a substitute, and recommend the adoption of the substitute.

Also, Assembly Bill No. 348—An Act to regulate the traveling fees of the Sheriff of the County of Inyo; also, the Constables of said county—and recommend its passage.

EAKIN, for Delegation.

By Mr. Crane:

MR. PRESIDENT: The Yuba delegation, to whom was reported Assembly Bill No. 357—An Act to fix the salary of the Superintendent of Public Schools in the City of Marysville—beg leave to report the same back, and recommend its passage.

CRANE,  
SPENCER,  
Delegation.

Assembly Bill No. 357, above reported, was taken up under a suspension of the rules, read a third time, and passed.

By Mr. Garratt:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Substitute for Assembly Bill No. 220—An Act to regulate fares and the sale of tickets by street railroad companies in the City and County of San Francisco—having had the same under consideration, report the same back, and recommend it do not pass.

Also, Assembly Bill No. 314—An Act to confer further powers upon the City Board of Examination of the City and County of San Francisco, and the Board of Education, Auditor, and Treasurer of said city and county—report the same back, and recommend its passage.

GARRATT, Chairman.

By Mr. McCune:

MR. PRESIDENT: The delegation of Sacramento and Yolo Counties, to which was referred Senate Bill No. 158—entitled an Act for the relief of John Hoagland and others—have had the same under consideration, and a majority of said delegation report the same back to the Senate, and recommend its passage.

H. E. McCUNE,  
For majority of Delegation.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bill:

Senate Bill No. 310—An Act to fix the fees of the County Surveyor of Sonoma County.

TUTTLE, for Committee.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 18th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 126—An Act to appropriate money to pay the claim of George A. Blanchard.

Also, Senate Bill No. 226—An Act supplementary to an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two.

Also, Senate Bill No. 58—An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road on the Yosemite Grant.

Also, Senate Bill No. 209—An Act to fix the fees of the County Surveyor in Napa County.

Also, Senate Bill No. 131—An Act to fix the salary of the County Judge in the Counties of San Diego and San Bernardino.

Also, Senate Bill No. 215—An Act fixing the compensation of certain officers of the County of Humboldt.

Also, Senate Bill No. 228—An Act to add five additional Notaries Public in Stanislaus County.

Also, Senate Bill No. 196—An Act to pay the claim of Newton Benedict.

Also, Senate Bill No. 171—An Act to fix the salaries and compensation of certain officers in Yuba County.

NEWTON BOOTH,  
Governor.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Laine—An Act to amend certain sections and to repeal certain sections of the Political Code, relative to the government of the State Normal School.

Read first and second times, and referred to the Committee on Education.

## GENERAL FILE.

Senate Bill No. 56—An Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code.

Mr. Evans offered a resolution, as follows:

*Resolved*, That the printed copy of Senate Bill No. 56—An Act to amend certain sections, to repeal certain sections of, and to add certain new sections to, the Political Code of the State of California—now being read by the Secretary, and under consideration by the Senate, be and the same is hereby adopted as a substitute for the original bill.

Adopted.

Considered in Committee of the Whole.

In Senate, reported with amendments, amendments adopted, and bill further amended.

Mr. Gibbons moved to amend the amendment to section fifteen hundred and fifty-one by inserting "and shall not interfere in political elections further than by his vote."

Lost.

Mr. Bartlett moved that the bill as amended be printed, and that it lay over for one week.

On which the ayes and noes were demanded by Messrs. O'Connor, Tuttle, and McCune, and the Senate refused, by the following vote:

AYES—Messrs. Bartlett, Boggs, Bush, Duffy, Dyer, Edgerton, Evans, Finney, Garratt, Gibbons, Hopkins, Kent, Keys, Laine, Martin, and Roach—16.

NOES—Messrs. Crane, DeHaven, Eakin, Farley, Fraser, Goodale, Hendricks, Irwin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Turner, and Tuttle—18.

On the engrossment of the bill the ayes and noes were demanded by Messrs. Laine, Evans, and Gibbons, and it was ordered engrossed, by a vote as follows:

AYES—Messrs. Boggs, Bush, Crane, DeHaven, Duffy, Eakin, Edgerton, Farley, Finney, Fraser, Goodale, Hendricks, Irwin, Keys, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Turner, and Tuttle—26.

NOES—Messrs. Bartlett, Dyer, Evans, Garratt, Gibbons, Kent, and Laine—7.

Mr. Irwin, by leave, introduced a bill, as follows: An Act amendatory of and supplemental to an Act to regulate fees of office and salaries of officers in Siskiyou County, approved March twelfth, eighteen hundred and seventy.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read third time and passed.

#### REPORT.

Mr. Farley, by leave, submitted a report, as follows:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 276—entitled "An Act to provide for the construction of a railroad from Colfax, in the County of Placer, to Nevada City, in the County of Nevada, and to regulate fares and freights thereon"—have had the same under consideration, and report the same back with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

FARLEY, Chairman.

## MESSAGE FROM THE ASSEMBLY:

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 19th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eighteenth instant, passed Senate Joint Resolution No. 35—asking for the repeal of the Act of Congress fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress.

Also, have inserted the enacting clause in and herewith return Assembly Bill No. 323—An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing south of Market street.

BRUMSEY, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 323, above reported, read first and second times, rules suspended, and, by unanimous consent, read third time and passed.

## GENERAL FILE RESUMED.

Senate Bill No. 127—An Act to promote irrigation in the County of Los Angeles.

Ordered engrossed.

Senate Bill No. 279—An Act to amend an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

Read third time and passed.

Senate Bill No. 181—An Act for the relief of Adolph E. Servatius.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 148—An Act exempting firemen of Nevada County from the payment of poll taxes.

Mr. Irwin offered a substitute.

Adopted.

On motion of Mr. Duffy the further consideration of the bill was postponed until two o'clock P. M.

At one o'clock P. M. Senate took a recess.

## REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

## GENERAL FILE RESUMED.

Senate Bill No. 148 resumed, and further amended on motion of Mr. Martin.

On the engrossment of the bill, the ayes and noes were demanded by



Messrs. Pondagast, Bush, and McCune, and the Senate refused, by the following vote:

Ayes—Messrs. Grace, Edgerston, Evans, Fraser, Garratt, Keat, Keys, Martin, McEwen, O'Connor and Perkins—11.

Nays—Messrs. Bush, Bush, Ingham, Eales, Galtner, Goodale, Graves, Harshbarger, Irwin, Lane, Miley, Mullins, Ned Pondagast, Roach, and Turner—16.

Mr. Lewis gave notice that, on to-morrow, he would move to reconsider the vote whereby the Senate refused to engross the bill.

Assembly Bill No. 14—An Act applying certain sections of the Political Code to the County of Fresno.

Amendment adopted, read third time, and passed.

Senate Bill No. 118—An Act to repeal an Act entitled an Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto, approved February first, eighteen hundred and seventy-two.

Repeal suggested, vote thereon engrossed, read third time, and passed.

Senate Bill No. 205—An Act to amend certain sections of the Political Code concerning the government of cities.

Recommendation of the committee, that the bill do not pass, adopted.

Senate Bill No. 236—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and add a new section, to be known as section four thousand and thirty-seven.

Amendment adopted, and ordered engrossed.

Assembly Bill No. 59—An Act to make valid a certain deed made by the Board of Supervisors of the County of San Bernardino and the Board of Trustees of the Town of San Bernardino.

Indefinitely postponed.

[Mr. Perkins in the chair.]

Senate Bill No. 239—An Act to amend sections forty-two hundred and thirty-four, forty-two hundred and thirty-five, forty-two hundred and thirty-six and forty-two hundred and thirty-eight of the Political Code.

Amendment adopted and ordered engrossed.

Senate Bill No. 217—An Act to authorize the Treasurer of Contra Costa County to deposit the funds of the county with the Bank of Martinez.

Recommendation of the committee, that the bill do not pass, adopted.

Assembly Bill No. 212—An Act to grant leave of absence to George I. Johnson, County Recorder and Auditor of Contra Costa County.

Recommendation of the committee, that the bill do not pass, adopted.

#### REPORT.

Mr. Ned, by leave, submitted a report of the Joint Committee on State Prison, together with testimony.

Received, and ordered printed.

#### GENERAL FILE RESUMED.

Senate Bill No. 272—An Act to legalize and make valid the election of certain officers in San Diego County.

Laid on the table.

Assembly Bill No. 169—An Act to legalize the debt contracted for building a school house in Martinez School District, and to provide for the payment of the same.

Read a third time and passed.

Assembly Bill No. 248—An Act fixing the salaries of certain county officers in Inyo County.

Read a third time and passed.

Assembly Bill No. 249—An Act concerning official bonds in Mono County.

Read a third time and passed.

Senate Bill No. 225—An Act to amend the Code of Civil Procedure of the State of California.

Amendment adopted, and ordered engrossed.

Senate Bill No. 164—An Act to incorporate the City of Santa Barbara.

Substitute adopted, rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 227—An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight.

Amendments to the bill adopted, rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 221—An Act to provide funds for the Town of San Luis Obispo.

Amendments to the bill adopted, rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 294—An Act to authorize the Board of Supervisors of Merced County to sell and convey the Court House block, and buildings thereon, in the Town of Snelling.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 283—An Act to authorize the Mountain View Cemetery Association to issue bonds.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Concurrent Resolution No. 18—requesting Congress to grant certain lands to the State of California.

Rules suspended, considered engrossed, read a third time, and on the adoption of the resolution the ayes and noes were demanded by Messrs. Irwin, Goodale, and Turner, and it was adopted, by the following vote:

AYES—Messrs. Andross, Beck, Boggs, Duffy, Edgerton, Farley, Finney, Fraser, Garratt, Graves, Hopkins, Kent, Keys, Lindsey, McCoy, McCune, Neff, O'Connor, Perkins, Roach, Turner, and Tuttle—22.

NOES—Messrs. Bartlett, Bush, Crane, DeHaven, Dyer, Eakin, Goodale, Hendricks, Irwin, Laine, Martin, McKusick, and McMurry—13.

Mr. Turner gave notice that, on to-morrow, he would move to reconsider the vote adopting the resolution.

[Mr. Tuttle in the chair.]

Senate Bill No. 103—An Act for the examination of the claim of S. D. Smith against the State of California.

Ordered to the top of the General File for Saturday, twenty-first instant.

Senate Bill No. 193—An Act making appropriations for the payment of certain claims in favor of J. A. Breuner.

Considered in Committee of the Whole.

In Senate, amendment adopted in the Committee of the Whole concurred in, rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 109—An Act to amend class nine and add class ten to section three thousand three hundred and eighty-two of the Political Code.

Amendments adopted, read a third time and passed.

Mr. Edgerton, by leave, introduced a bill as follows: An Act to legalize and confirm assessments of property in eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Read first and second times, and, on motion of Mr. Edgerton, referred to the Judiciary Committee, with instructions to report the same tomorrow, with or without recommendation.

Senate Bill No. 278—An Act to amend the Political Code, concerning the delinquency of taxes.

Ordered engrossed.

Senate Bill No. 275—An Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 287—An Act for the relief of J. C. Hamer.

Amendment adopted, rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 2—An Act to establish and maintain a training ship in the City and County of San Francisco.

Amendments adopted, rules suspended, bill considered engrossed, read a third time, and passed.

#### REPORT.

Mr. Lindsey, by leave, submitted a report, as follows:

MR. PRESIDENT: Your committee to whom was referred Senate Bill No. 178—An Act to provide for the proper disposition in the several County Treasuries of funds arising from the sale of swamp land—have had the same under consideration, and now report the bill back, and recommend its passage.

LINDSEY, for Committee.

#### GENERAL FILE RESUMED.

Assembly Bill No. 186—An Act to amend section two hundred and fifty-five of the Political Code.

Amended by striking out the second section of the bill, read a third time, and passed.

Senate Bill No. 249—An Act to amend section nine hundred and seventy-seven of the Code of Civil Procedure.

Rules suspended, considered engrossed, read a third time, and passed.

Substitute for Assembly Bill No. 107—An Act to repeal subdivision second of section one hundred and fifteen of the Code of Civil Procedure.

Read a third time, and passed.

Senate Bill No. 270—An Act requiring Sheriffs to wear a badge of office.

Recommendation of the committee, that the bill do not pass, adopted.  
Senate Bill No. 260—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code.

Recommendation of the committee, that the bill do not pass, adopted.  
Senate Bill No. 152—An Act to protect agriculture, and to allow districts to come under its provisions.

Recommendation of the committee, that the bill do not pass, adopted.  
Assembly Bill No. 180—An Act to fix the salary of the Superintendent of Public Schools in Butte County.

Read third time, and passed.

Senate Bill No. 147—An Act to provide for the sale of certain property belonging to the State.

Passed on the file.

Senate Bill No. 280—An Act to amend the Civil Code.

Rules suspended, considered engrossed, read third time, and passed—title amended.

Senate Bill No. 289—An Act to amend section two thousand two hundred and forty of the Political Code.

Amended, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 285—An Act to amend section thirteen hundred and twenty-nine of the Penal Code.

Amended by inserting enacting clause, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 288—An Act to amend an Act entitled an Act to establish a Penal Code.

Recommendation of the committee, that the bill do not pass, adopted.

Assembly Bill No. 125—An Act granting leave of absence to D. B. Merry, County Surveyor of Nevada County.

Read third time, and passed.

Assembly Bill No. 116—An Act to amend the Penal Code by adding a section, to be designated as section seven hundred and ninety five, relating to the trial of certain cases.

Amendment adopted.

Read third time, and passed.

Senate Bill No. 298—An Act to prevent running sawdust into Brandy Creek, in Shasta County.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 269—An Act fixing the salaries of certain officers of San Luis Obispo County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 184—An Act to repeal section fifteen hundred and forty-two of the Political Code.

Passed on file.

Senate Bill No. 110—An Act to provide for a State census in eighteen hundred and seventy-five.

Passed on file.

Senate Bill No. 74—An Act to define the boundary line between the Counties of Tulare and Fresno.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 267—An Act to amend section four thousand three hundred and twenty-nine of the Penal Code.

Passed on file.



Mr. Boggs offered the following resolution:

*Resolved*, That when the Senate adjourns, it adjourns to meet Friday morning, at eleven o'clock.

Adopted.

Mr. Keys, by leave, made a report, as follows:

MR. PRESIDENT: Your Committee on Mileage respectfully report that the following named Senators, members of the Committee on Public Buildings and Grounds, are entitled to the sums set opposite their respective names, for mileage in traveling to and from San Francisco, San José, and Berkeley, on committee duty:

Senator Pendegast .....	\$61 20
Senator Boggs.....	61 20
Senator McMurry.....	61 20
Senator Garratt.....	61 20
Senator Beck.....	61 20
Senator Duffy.....	61 20

And recommend the adoption of the following resolution:

*Resolved*, That each of the above named Senators be and are hereby allowed the sum of sixty-one dollars and twenty cents, and that the same be paid out of the appropriation for the contingent expenses of the Senate.

KEYS, for Committee.

The resolution was adopted.

On motion of Mr. Neff, double the usual number of copies of the report of the Joint Committee on State Prison was ordered printed.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Fraser, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Friday, February 20th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by Rev. Mr. Slater.

Journal of yesterday read and approved.

On motion of Mr. Neff, the rules were suspended to allow him to introduce a resolution, as follows:

WHEREAS, The report of the Committee on State Prison contains several maps, cuts, and diagrams, drawn with great care and accuracy,

which are difficult to copy except by an experienced draftsman; and whereas, said report contains about two hundred and fifty (250) pages, plainly and carefully written; therefore, be it

*Resolved*, That the copying clerks be and are hereby allowed to take said report to the State Printer instead of a copy thereof.

Adopted.

On motion of Mr. Evans, the rules were suspended, and the Chair was authorized to appoint a member of the Senate Committee on State University Affairs, to fill the vacancy caused by the resignation of Mr. Pendegast.

The President appointed Mr. Laine a member of said committee.

#### REPORTS.

Reports were submitted as follows:

By Mr. Tuttle:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Concurrent Resolution No. 42—relative to furnishing arms by the General Government.

Also, Senate Bill No. 157—An Act to repeal an Act entitled an Act concerning service of summons upon absent defendants by publication, approved March fifteenth, eighteen hundred and seventy-two.

Also, Senate Bill No. 242—An Act to regulate the salaries and fix the compensation of certain officers in the County of Napa.

Also, Senate Bill No. 282—An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.

TUTTLE, for Committee.

By Mr. Irwin:

Mr. PRESIDENT: The Committee on Finance, to whom was referred Senate Bill No. 234—"An Act to authorize the repayment of moneys erroneously paid into the State Treasury by the Treasurer of Sonoma County"—have had the same under consideration, and now report it back with a substitute, and recommend the adoption of the substitute, and the passage of the bill.

IRWIN, Chairman.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on the Judiciary, to whom was referred Senate Bill No. 318—"An Act to legalize and confirm assessments of property in eighteen hundred and seventy-two and eighteen hundred and seventy-three"—now report the same back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Assembly Bill No. 191—"An Act to provide for the protection of lands in the County of Yuba." The object of this bill is not to reclaim swamp land, or to form a district for reclamation purposes, but to protect property from destruction by the overflow of waters. It is therefore proper that all property, both real and personal, in the affected district, should be taxed for the improvements, and the Act would

otherwise be unconstitutional. (People of California vs. Whyler, 41 Cal. p. 351.) We, therefore, recommend the passage of the bill.

PENDEGAST, Chairman.

Senate Bill No. 318, above reported, laid on the table.

Assembly Bill No. 191, above reported, was taken up under a suspension of the rules, read third time, and passed.

By Mr. Farley:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 52—An Act to amend the Civil Code—have had the same under consideration, and report the bill back without amendment, and recommend the passage of the bill.

Also, Senate Bill No. 299—entitled an Act to amend an Act to reincorporate the Town of San Luis Obispo, approved March fourth, eighteen hundred and seventy-two—the committee report the bill back, and recommend its passage.

Also, Assembly Bill No. 276—entitled an Act to authorize Isaac E. Davis and Henry Cowell and others, to lay down and maintain water pipes in the Town of Santa Cruz—is herewith reported back without amendment, and the passage of the bill is respectfully recommended.

FARLEY, Chairman.

By Mr. Finney:

MR. PRESIDENT: Your Committee on Agriculture respectfully make the following report: Your committee have considered Assembly Bill No. 223, and recommend its passage.

Also, Assembly Concurrent Resolution No. 27, amended it, and recommend its passage as amended.

Also, Assembly Bill No. 278, and recommend its passage.

Also, Senate Bill No. 293, and recommend its passage.

Also, Senate Bill No. 303, and recommend that section six be stricken out.

Also, Assembly Bill No. 290, and recommend its passage.

FINNEY, Chairman.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on State and County Revenue have had under consideration Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom—and would report the same back, and recommend its passage.

Also, Senate Bill No. 291—An Act to amend section thirty-six hundred and seven, and to add a new section, to be known as section thirty-six hundred and eight, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—and would report the same back, and recommend that it do not pass.

O'CONNOR, Chairman.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 96—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two—and have presented the same to his Excellency the Governor, for his approval, this day, at eleven o'clock A. M.

Also, on yesterday, examined and found correctly enrolled Senate Joint Resolution No. 35—asking for the repeal of the Act of Congress fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress—and presented the same to his Excellency the Governor.

McMURRY, Chairman.

By Mr. Garratt:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 162—An Act granting certain privileges to the North Beach and Mission Railroad Company—having had the same under consideration, report the same back, and recommend its passage.

Also, Assembly Bill No. 117—An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell certain lands in said city and county—report the same back with amendments, and recommend its passage as amended.

GARRATT, Chairman.

By Mr. Gibbons:

MR. PRESIDENT: The Alameda delegation, to whom Assembly Bill No. 345—An Act to postpone the next charter election of the City of Oakland, and to extend the time of officers of said city—was referred, beg leave to report the same back, and recommend its passage.

GIBBONS, for Delegation.

Rules suspended, and the above reported bill taken up, read third time, and passed.

By Mr. Lindsey:

MR. PRESIDENT: The Fresno delegation, to whom was referred Assembly Bill No. 255—An Act to fix the salary and bond of the Treasurer of Fresno County, California—have had the same under consideration, and now report the bill back, and recommend its passage.

LINDSEY, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 19th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate



Bill No. 170—An Act to provide for the building of a school house in the Merced School District, in the County of Merced, State of California.

NEWTON BOOTH,  
Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Duffy—An Act to regulate contracts for the sale of mining stocks in certain cases.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Bartlett—An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time and passed.

By Mr. Gibbons—An Act for the protection of game and fish.

Read first and second times, and referred to the Committee on Agriculture.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Duffy offered a concurrent resolution, opposing an additional subsidy from the Government of the United States for the line of steamers of the Pacific Mail Steamship Company to China.

Read first and second times, rules suspended, and by unanimous consent read third time and adopted.

Mr. Turner, pursuant to notice, moved to reconsider the vote whereby Senate Concurrent Resolution No. 18 was adopted on yesterday.

On motion of Mr. Turner, the motion to reconsider was ordered to the top of the General File for to-morrow.

#### GENERAL FILE.

Senate Bill No. 179—An Act for the relief of Richard Palmer.

Recommendation of the committee, that the bill do not pass, adopted.

Assembly Bill No. 220—An Act to regulate fares and the sale of tickets by street railroad companies in the City and County of San Francisco.

Recommendation of the committee, that the bill do not pass, adopted.

Assembly Bill No. 245—An Act for the relief of B. K. Thorn, Sheriff of Calaveras County.

Bill considered in Committee of the Whole.

In Senate, read third time, and passed.

Assembly Bill No. 364—An Act fixing the salary of County Clerk in the County of Shasta.

Bill considered in Committee of the Whole.

In Senate, read third time, and passed.

Assembly Bill No. 365—An Act allowing the Sheriff of Shasta County compensation for the services of Under Sheriff.

Bill considered in Committee of the Whole.

In Senate, read third time, and passed.

Assembly Bill No. 314—An Act to confer further powers upon the City Board of Examination of the City and County of San Francisco, and the Board of Education, Auditor, and Treasurer of said city and county.

Bill considered in Committee of the Whole.

In Senate, read third time, and passed.

Senate Bill No. 17—An Act to provide for the purchase of stationery, blank books, lights, fuel, furniture, etc., for State officers and members and officers of the Legislature.

Ordered to the head of the General File for Tuesday, the twenty-fourth instant.

Assembly Bill No. 348—An Act to regulate the traveling fees of the Sheriff of the County of Inyo, and of the Constables within said county.

Ordered to the head of the General File for Tuesday, the twenty-fourth instant.

Senate Bill No. 158—An Act for the relief of John Hoagland and others.

Ordered to the head of the General File for Tuesday, the twenty-fourth instant.

Assembly Bill No. 157—An Act to authorize the Board of Supervisors of Inyo County to levy a special tax, for the purpose of paying E. Chaquette for building bridges for said county.

Senate substitute adopted, read third time, and passed.

In accordance with previous notice, Mr. Irwin moved to reconsider the vote whereby the Senate refused to order to engrossment Substitute for Senate Bill No. 148—An Act exempting firemen of Nevada County from the payment of poll taxes.

The motion prevailed.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Duffy, Neff, and Irwin, and the Senate refused, by a vote as follows:

AYES—Messrs. Crane, Duffy, Eakin, Edgerton, Evans, Fraser, Garratt, Irwin, Kent, Keys, Martin, McKusick, O'Connor, Perkins, and Roach—15.

NOES—Messrs. Bartlett, Beck, Bush, Dyer, Farley, Finney, Goodale, Hendricks, Laine, Lindsey, McCoy, McCune, McMurry, Neff, Fendegast, Spencer, Turner, and Tuttle—18.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Irwin—An Act to exempt firemen in Nevada and Siskiyou Counties from the payment of poll taxes.

Read first and second times, and ordered on the General File.

By Mr. Tuttle—An Act to authorize the payment of the debt on Washington School District, in Cloverdale Township, Sonoma County.

Read first and second times, and ordered on the General File.

#### GENERAL FILE RESUMED.

Senate Bill No. 276—An Act to provide for the construction of a railroad from Colfax, in the County of Placer, to Nevada City, in the County of Nevada, and to regulate fares and freights thereon.

Considered in Committee of the Whole.

In Senate, amendments adopted, and ordered engrossed.

Subsequently, on motion of Mr. Irwin, the vote ordering the bill engrossed was reconsidered.

Bill amended, and ordered engrossed.

Senate Bill No. 178—An Act to provide for the proper distribution in the several County Treasuries of funds arising from the sale of swamp lands.

Ordered engrossed.

Senate Bill No. 147—An Act to provide for the sale of certain property belonging to the State.

On motion of Mr. Edgerton, made special order for Wednesday, the twenty-fifth instant, at two o'clock P. M.

On motion of Mr. Edgerton, the rules were suspended, and Senate Bill No. 318—An Act to legalize and confirm the assessments of property in eighteen hundred and seventy-two and eighteen hundred and seventy-three—taken from the table and amended.

Mr. Edgerton offered a substitute for the bill.

Adopted.

Rules suspended, considered engrossed, read third time and passed, rules further suspended, and ordered transmitted immediately to the Assembly.

At one o'clock P. M., on motion of Mr. Pendegast, the hour of recess was postponed until the business on the General File was disposed of.

Assembly Bill No. 184—An Act to repeal section fifteen hundred and forty-two of the Political Code.

Read third time and passed.

Senate Bill No. 110—An Act to provide for a State census in eighteen hundred and seventy-five.

Recommitted to the Committee on Finance.

Senate Bill No. 267—An Act to amend section forty-three hundred and twenty-nine of the Political Code.

Laid on the table.

#### REPORT.

Mr. Graves, by leave, made a report, as follows:

MR. PRESIDENT: The Committee on Federal Relations, to which was referred Senate Concurrent Resolution No. 46—"in relation to mail service between San Diego and Julian Mining District"—having considered the same, report it back, and recommend its passage.

GRAVES, Chairman.

Mr. Hopkins, by leave, introduced a bill as follows: An Act to regulate the issuance and transfer of shares of stock and certificates thereof in incorporated companies in the State of California.

Read first and second times, and referred to the Committee on Corporations.

#### REPORT.

The following report was submitted:

By Mr. Beck:

MR. PRESIDENT: Your Committee on Mileage would respectfully report that the following named Senators, members of the State Prison Com-

mittee, are each entitled to the sums set opposite their respective names, for mileage in traveling to and from San Quentin, Folsom, and Rocklin, on committee duty:

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Senator McCoy .....	\$57 60
Senator Neff .....	57 60
Senator Tuttle .....	57 60
Senator Roach .....	57 60
Senator Edgerton .....	57 60
Senator DeHaven .....	57 60
Senator Goodale .....	57 60
Senator Kent .....	57 60

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And recommend the adoption of the following resolutions:

*Resolved*, That Senators Neff, Tuttle, Roach, Edgerton, DeHaven, Goodale, Kent, and McCoy, be and are hereby each allowed the sum of fifty-seven dollars and sixty cents, and that the same be paid out of the appropriation for the contingent expenses of the Senate.

BECK, Chairman.

*Resolved*, That the sum of fifty-seven dollars and sixty cents be and the same is hereby allowed to D. McNeill for mileage, in traveling to and from San Quentin, Folsom, and Rocklin, while acting as clerk for Committee on State Prison, and that the same be paid out of the appropriation for the contingent expenses of the Senate.

The resolutions were adopted.

At one o'clock and thirty minutes P. M., on motion of Mr. Garratt, the Senate adjourned.

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## IN SENATE.

SENATE CHAMBER,

Saturday, February 21st, 1874. }

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Slater.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Mr. Laine was granted leave of absence for one day.



## PETITION.

Mr. Edgerton presented a petition of the land owners on Merritt Island for a new reclamation district.

Received and laid on the table.

## REPORTS.

Reports were submitted as follows:

By Mr. Pendegast:

MR. PRESIDENT: The Committee on the Judiciary have had under consideration Assembly Bill No. 87—An Act in relation to Swamp Land District Number One Hundred and Fifty. The Committee adheres to the opinion already expressed upon this bill, and report the same back, and recommend that it do not pass.

Also, Senate Resolution in the contested election case of Gildea v. Fraser. The committee find, by actual experiment, that the ballots upon which Mr. Fraser's name appears, can be so folded, and in accordance with law that their contents are entirely concealed. It must be presumed, in the absence of proof to the contrary, that those voted and counted were so folded; for, to hold otherwise, would be to assume that the election officers failed in the performance of their duties. We cannot, in the absence of any proof of actual fraud, report a decision which would virtually disfranchise every elector who voted for Mr. Fraser. We cannot say that the ballots in question are in strict accordance with the provisions of the Political Code; but we think the conclusion which we have reached, is within the spirit of the decision of the Supreme Court in the case of Kirk v. Rhoads. With that decision we have neither the power nor the disposition to quarrel; but we sincerely hope that neither it nor our own will be construed into a warrant, on the part either of officers or voters, to relax the stringency of our wholesome election laws. We would be glad to give to those laws the most rigid construction possible, if we could do so at less expense than unseating a Senator, and denying the right of his constituents to the franchise, without apparent fault on their part. If any proof of actual fraud, however slight, had aided the defects in the ballots, we should have arrived at an entirely different conclusion. We recommend the adoption of the resolution.

PENDEGAST, Chairman.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Finance have considered Senate Bill No. 237—An Act to amend an Act entitled an Act concerning roads and highways in Sonoma County—report the same back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

TUTTLE, for Committee.

By Mr. Bush:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 265—An Act concerning roads and highways in the County of Santa Clara.

BUSH, for Committee.

By Mr. Hendricks:

Mr. PRESIDENT: The Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 124—An Act to allow the San Diego and Arizona Mining Company to change its principal place of business from San Diego to the City and County of St. Louis, Missouri—report the same back, and recommend that the same be referred to the Judiciary Committee.

HENDRICKS, Chairman.

Assembly Bill No. 124, above reported, referred to the Judiciary Committee.

By Mr. Hendricks:

Mr. PRESIDENT: The Butte and Colusa delegation, to whom was referred Senate Bill No. 232—An Act to amend section thirty-nine hundred and twenty-two of the Political Code—report the same back, and recommend that it do pass.

HENDRICKS, for Delegation.

Rules suspended, and Senate Bill No. 232, above reported, taken up.

Rules further suspended, considered engrossed, read third time, and passed.

By Mr. Hendricks:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 254—An Act to amend sections three hundred and six and three hundred and seven of the Penal Code.

Also, Senate Bill No. 219—An Act to indemnify bona fide settlers on the Yosemite Grant.

HENDRICKS, for Committee.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 21st, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twentieth instant, adopted Assembly Concurrent Resolution No. 45—to correct an error in Assembly Bill No. 198, an Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

Also, passed Senate Bill No. 136—An Act to repeal an Act entitled an Act to make an Act herein named applicable to the County of San Bernardino.

Also, passed Senate Bill No. 246—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March twentieth, eighteen hundred and seventy-two.

Also, amended and passed Senate Bill No. 72—An Act to amend an Act entitled an Act concerning the compensation of certain county offi-

cers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 82—An Act to incorporate the City of Visalia, and to provide for public schools therein.

Also, passed Senate Bill No. 92—An Act to provide for the payment of outstanding indebtedness of Olmstead School District, in San Luis Obispo County.

Also, passed Senate Bill No. 153—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico, Butte County, California, approved January eighth, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 174—An Act reorganizing the Board of Supervisors of Napa County, and for other purposes.

Also, adopted and passed a Substitute for Senate Bill No. 184—An Act to change the present boundaries of the City of Sacramento.

Also, amended and passed Senate Bill No. 191—An Act to repeal section one of an Act supplementary to and amendatory of an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six, and approved March twenty-eighth, eighteen hundred and sixty-eight, approved April first, eighteen hundred and seventy-two.

Also, amended and passed Senate Bill No. 222—An Act to amend an Act entitled an Act to provide for the manner of auditing claims against the County of Humboldt.

Also, amended and passed Senate Bill No. 223—An Act to protect fish in the Counties of Plumas and Sierra.

Also, amended and passed Senate Bill No. 241—An Act to prescribe the term of Supervisors in the County of Tuolumne.

Also, amended and passed Senate Bill No. 255—An Act to repeal an Act to provide for the maintenance of public roads and trails in the County of Sierra, approved February ninth, eighteen hundred and sixty-six.

Also, passed Senate Bill No. 297—An Act to provide for the time of holding terms of the County Court and Probate Court, in the County of Colusa.

Also, passed Senate Bill No. 318—An Act to legalize and confirm assessments of property in eighteen hundred and seventy-two and eighteen hundred and seventy-three.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 318, above reported, was, under a suspension of the rules, on motion of Mr. Edgerton, ordered engrossed and enrolled immediately, and out of its order.

Assembly Concurrent Resolution No. 45, above reported, concurred in.

Senate Bill No. 72, above reported, Assembly amendments concurred in.

Senate Bill No. 134, above reported, Assembly substitute adopted.

Senate Bills Nos. 191, 222, and 255, above reported, Assembly amendments to the bills concurred in.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. McMurry—An Act to fix the salary of the County Clerk of Trinity County.

Read first and second times, rules suspended, considered engrossed, by unanimous consent, read third time, and passed.

By Mr. O'Connor—An Act to provide for the indexing of certain records of Nevada County.

Read first and second times, and referred to the delegation from Nevada County.

By Mr. Eakin—An Act regulating township offices in Tuolumne County.

Read first and second times, and referred to the delegation from Tuolumne County.

By Mr. Edgerton—An Act in relation to the formation of a new swamp land district.

Read first and second times, and, with petition, referred to the Committee on Swamp and Overflowed Lands.

By Mr. Boggs—An Act to establish a public road along the boundary line between the Counties of Yolo and Colusa.

Read first and second times, rules suspended, considered engrossed, by unanimous consent read third time, and passed.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Perkins offered the following resolution:

*Resolved*, That when the Senate adjourns to-day, it be until Tuesday, February twenty-fourth, at the hour of two o'clock and thirty minutes P. M., out of respect to the anniversary of the birthday of him who was "first in war, first in peace, and first in the hearts of his countrymen"—the illustrious Washington, the father of his country.

Unanimously adopted.

By Mr. Boggs:

*Resolved*, That the Committee on Counties and County Boundaries be and they are hereby authorized to appoint a clerk, at the legal per diem, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

On motion of Mr. Edgerton, the resolution in reference to the contested election case of Gildea vs. Fraser, reported from the Judiciary Committee to-day, was taken up:

*Resolved*, That at the general election held in the State of California, on the first Wednesday of September, eighteen hundred and seventy-three, Hon. Thomas Fraser was legally elected State Senator from the Fifteenth Senatorial District, composed of the County of El Dorado, for the full term of four years, and that he is entitled to his seat as such Senator.



On the adoption of the resolution, the ayes and noes were demanded by Messrs. Edgerton, McKusick, and Bartlett, and it was adopted, by a vote as follows:

**AYES**—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Lindsey, Martin, McCoy, McCune, McKusick, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, and Turner—33.

**NOES**—None.

On motion of Mr. Edgerton, Senate Bills Nos. 55 and 130 were ordered to top of the General File for Tuesday next.

#### GENERAL FILE.

Senate Bill No. 103—An Act for the examination of the claim of S. D. Smith against the State of California.

Recommendation of the committee, that the bill do not pass, adopted.

Reconsideration of vote on passage of Senate Concurrent Resolution No. 18—"requesting Congress to grant certain lands to the State of California."

On the reconsideration of the vote, the ayes and noes were demanded by Messrs. Lindsey, Fraser, and McKusick, and the Senate refused to reconsider by the following vote:

**AYES**—Messrs. Bush, Crane, DeHaven, Dyer, Eakin, Goodale, Hendricks, Irwin, Lindsey, McKusick, McMurry, Neff, Turner, and Tuttle—14.

**NOES**—Messrs. Bartlett, Boggs, Duffy, Edgerton, Farley, Fraser, Garratt, Gibbons, Graves, Hopkins, Kent, Keys, Martin, McCoy, McCune, O'Connor, Pendegast, Perkins, Roach, and Spencer—19.

On motion of Mr. Farley, the rules were suspended, to take up out of its order Assembly Bill No. 348—An Act to regulate the traveling fees of the Sheriff of the County of Inyo, and of the Constables within said County.

Title amended, read third time, and passed.

Senate Bill No. 157—An Act to repeal an Act entitled an Act concerning service of summons upon absent defendants by publication.

Read third time and passed.

Mr. Tuttle made the following report:

**MR. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 56—An Act to amend certain sections of, to repeal certain sections of, and to add certain new sections to, the Political Code of the State of California.

**TUTTLE, for Committee.**

Mr. Boggs, by leave, submitted a report, as follows:

**MR. PRESIDENT:** The Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 81—An Act to amend section three thousand nine hundred and twenty-one of the Political Code—

have had the same under consideration, and report the same back, with a substitute, and recommend the passage of the substitute.

The committee have also had under consideration Senate Bill No. 301—An Act to divide the County of Solano, and to erect within the present limits of said county a new county, to be known as "Vallejo County"—and report the bill back, and recommend that it be printed.

BOGGS, Chairman.

Senate Bill No. 301, above reported, was ordered printed.

[Mr. Keys in the chair.]

#### GENERAL FILE RESUMED.

Senate Bill No. 242—An Act to regulate the salaries and fix the compensation of certain officers in the County of Napa.

Read a third time, and passed.

Senate Bill No. 244—An Act to authorize the repayment of moneys erroneously paid into the State Treasury by the Treasurer of Sonoma County.

Substitute adopted, rules suspended, considered engrossed, read a third time and passed.

Senate Bill No. 52—An Act to amend the Civil Code.

Amendment adopted, rules suspended, considered engrossed, read a third time and passed.

Senate Bill No. 299—An Act to amend an Act entitled an Act to re-incorporate the Town of San Luis Obispo.

Rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill No. 276—An Act to authorize Isaac E. Davis and Henry Colwell, and others, to lay down and maintain water pipes in the Town of Santa Cruz.

Read a third time, and passed.

Assembly Bill No. 278—An Act in relation to jurors in Courts of Justices of the Peace in the County of Humboldt.

Read a third time, and passed.

Assembly Bill No. 223—An Act restricting the herding of sheep to certain pastures, in Nevada County.

Referred to the Nevada County delegation, with instructions to report the same on Tuesday next.

At twelve o'clock and five minutes P. M., Mr. Neff moved to adjourn.

Lost.

Assembly Concurrent Resolution No. 27—relative to the survey of the mountain grazing lands of this State.

Amendment adopted, read third time, and adopted.

Senate Bill No. 293—An Act for the protection of quail in the Counties of San Mateo, Contra Costa, etc.

Amended, and ordered printed.

[Mr. Tuttle in the chair.]

Senate Bill No. 303—An Act to compel the collection of agricultural statistics.

Amendments adopted, amended.

Mr. Pendegast moved to refer the bill to the Judiciary Committee.

Lost.

Mr. Tuttle offered an amendment.

Mr. Irwin moved to refer the bill to the Judiciary Committee, with

instructions to report the same on Thursday next, the twenty-sixth instant.

Carried.

On motion of Mr. Turner, the hour of recess was postponed.

At one o'clock P. M., on motion of Mr. O'Connor, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Monday, February 24th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of Saturday last read and approved.

[Mr. Pendegast in the chair.]

## LEAVE OF ABSENCE.

Mr. Hopkins was granted leave of absence for three days, Mr. Evans for two days, and Mr. Garratt for one day.

## REPORTS.

Reports were submitted as follows:

By Mr. Lindsey:

MR. PRESIDENT: Your committee to whom was referred Senate Bill No. 314—An Act to amend certain sections and repeal certain sections of the Political Code—have had the same under consideration, and now report the bill back with amendment, and recommend the passage of the same as amended.

LINDSEY, for Committee.

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 283—An Act to authorize the Mountain View Cemetery Association to issue bonds.

Also, Senate Bill No. 294—An Act to authorize the Board of Supervisors of Merced County to sell and convey the Court House block, and buildings thereon, in the Town of Merced.

Also, Senate Bill No. 249—An Act to amend section nine hundred and seventy-seven of the Code of Civil Procedure.

Also, Senate Bill No. 193—An Act making appropriation for the payment of certain claims in favor of John A. Breuner.

Also, Senate Bill No. 278—An Act to amend the Political Code, concerning the delinquency of taxes.

Also, Senate Bill No. 275—An Act to authorize the City Clerk of the

City of Placerville to execute certain trust in relation to the lands granted to said city.

Also, Senate Bill No. 287—An Act for the relief of J. C. Hamer.

Also, Senate Bill No. 2—An Act to establish and maintain a Training Ship in the City and County of San Francisco.

Also, Senate Bill No. 280—An Act to amend section five hundred and seventy-four of the Civil Code.

Also, Senate Bill No. 289—An Act to amend section two thousand two hundred and forty of the Political Code.

NEFF, Chairman.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 241—entitled an Act to prescribe the term of Supervisors in the County of Tuolumne;

Also, Senate Bill No. 223—entitled an Act to protect fish in the Counties of Plumas and Sierra;

Also, Senate Bill No. 297—entitled an Act to provide for the time of holding terms of the County Court and Probate Court in the County of Colusa;

And have presented the same to his Excellency the Governor, for his approval, this day, at two o'clock P. M.

McMURRY, Chairman.

By Mr. Hendricks:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 285—An Act to amend section thirteen hundred and twenty-nine of the Penal Code.

Also, Senate Bill No. 298—An Act to prevent running sawdust into Brandy Creek, in Shasta County.

Also, Senate Bill No. 269—An Act fixing the salaries of certain officers in San Luis Obispo County.

Also, Senate Bill No. 276—An Act to provide for the construction of a railroad from Colfax, in the County of Placer, to Nevada City, in the County of Nevada, and to regulate fares and freight thereon.

HENDRICKS, for Committee.

By Mr. Tuttle:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 239—An Act to amend sections forty-two hundred and thirty-four, forty-two hundred and thirty-five, forty-two hundred and thirty-six, and forty-two hundred and thirty-eight of the Political Code.

Also, Senate Bill No. 225—An Act to amend the Code of Civil Procedure of the State of California.

Also, Senate Bill No. 164—An Act to incorporate the City of Santa Barbara.

Also, Senate Bill No. 227—An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight.



Also, Senate Bill No. 221—An Act to provide funds for the Town of San Luis Obispo.

TUTTLE, for Committee.

By Mr. Bush:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 317—An Act amendatory of and supplemental to an Act to regulate fees of officers in Siskiyou County, approved March twelfth, eighteen hundred and seventy.

Also, Senate Bill No. 127—An Act to promote irrigation in the County of Los Angeles.

Also, Senate Bill No. 181—An Act for the relief of Adolph E. Servatius.

Also, Senate Bill No. 218—An Act to repeal an Act entitled an Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto, approved February first, eighteen hundred and seventy-two.

Also, Senate Bill No. 236—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—to add a new section thereto, to be known as section four thousand and forty-seven.

BUSH, for Committee.

Senate Bills Nos. 221, 239, and 236, above reported, were recommitted to their authors to correct clerical errors.

By Mr. Irwin:

MR. PRESIDENT: The Committee on Finance, to whom was referred Substitute for Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California; and Substitute for Senate Bill No. 110—An Act to provide for the taking of a State census in the year eighteen hundred and seventy-five—have had the same under consideration, and now report them back, the latter with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

IRWIN, Chairman.

By Mr. Neff:

MR. PRESIDENT: The Committee on State Prison, to whom was referred Senate Bill No. 105—An Act to add to the end of Chapter I, Title I, of Part III, of the Penal Code, two sections, to be numbered fifteen hundred and eighty-seven and fifteen hundred and eighty-eight, providing temporary support for discharged convicts—respectfully report the same back with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

NEFF, Chairman.

By Mr. McKusick:

MR. PRESIDENT: Your Committee on Public Lands, to whom was referred Senate Bill No. 199—An Act authorizing and requiring the Surveyor General to cancel and annul applications for portions of the sixteenth and thirty-sixth sections of the public lands of this State—have had the same under consideration, and respectfully report the

same back with substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 198—An Act to amend section three thousand four hundred and ninety-five of the Political Code—report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 296—An Act regulating the sale of mineral land belonging to the State—report the same back with amendments, and recommend its passage as amended.

McKUSICK, Chairman.

By Mr. Farley:

MR. PRESIDENT: The Amador delegation, to whom was referred Senate Bill No. 273—An Act to amend section two of an Act entitled an Act to amend section one of an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved February twenty-ninth, eighteen hundred and sixty-eight, and to provide for the payment thereof, approved March twenty-fifth, eighteen hundred and seventy—have had the same under consideration, and report it back, and recommend the passage of the bill.

FARLEY, for Delegation.

Senate Bill No. 273, above reported, was taken up under a suspension of the rules, and placed on its passage. Considered engrossed, read a third time, and passed.

Mr. Finney moved to suspend the rules to postpone the special order set for to-day, at one o'clock, being Senate Bill No. 18—An Act to enforce the education of children—until Tuesday, March third, at two o'clock.

So ordered.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 24th, 1874. }

*To the Senate of the State of California:*

I herewith transmit to your honorable body a communication from the Hon. William A. Richardson, Secretary of the Treasury, concerning submarine sites for lighthouses, and other aids to navigation. The subject is an important one, and seems to demand immediate legislative action. There being but one copy of the communication, I respectfully ask that the Assembly may be notified of its receipt.

NEWTON BOOTH,  
Governor.

On motion of Mr. Farley, the Governor's message, and the communication accompanying the same, was referred to the Committee on Federal Relations.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Duffy—An Act to amend section five hundred and thirty-six of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Roach—An Act to authorize the City and County of San Francisco to provide and maintain public waterworks for said city and county, and to condemn and purchase private property for that purpose.

Read first and second times, referred to the San Francisco delegation, and ordered printed.

By Mr. Irwin—An Act to provide for the payment of the debt incurred in building a school house for the Oro Fino School District, in Siskiyou County.

Read first and second times, rules suspended, considered engrossed, by unanimous consent read a third time, and passed.

By Mr. Lindsey—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Read first and second times, and referred to Committee on Roads and Highways.

By Mr. McKusick—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Read first and second times, and referred to Committee on Finance.

By Mr. Keys—An Act to fix the compensation of the School Superintendent of the County of Stanislaus.

Read first and second times, and ordered on file.

By Mr. Turner—An Act concerning the office of Treasurer of Sierra County.

Read first and second times, and ordered on file.

By Mr. Farley—An Act relating to jury trials.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Dyer—An Act to repeal an Act entitled an Act to accept the grant by the United States Government to the State of California, of the Yosemite Valley and Big Tree Grove, and to organize the Board of Commissioners, and to fully empower them to carry out the objects of the grant, and to fulfill the purposes of the trust, approved April second, eighteen hundred and sixty-six, and to repeal sections thirty-five hundred and eighty-four, thirty-five hundred and eighty-five, and thirty-five hundred and eighty-six of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Bush—An Act to provide for the appointment of an additional Notary Public for the County of Los Angeles.

Read first and second times, and ordered on file.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were offered as follows:

By Mr. Dyer:

A Joint Resolution—relative to the return to Congress of the Yosemite Valley and Mariposa Big Tree Grove, granted to this State on

the thirtieth of June, eighteen hundred and sixty-four, and opening the same to preëmption and settlement under the laws of the United States appertaining to public lands.

Read first and second times, and referred to the Judiciary Committee.  
By Mr. McMurry:

*Resolved*, That the Enrolling Clerk of the Senate be and he is hereby authorized to appoint such assistants as the Enrolling Committee may, from time to time, find necessary in the performance of his work.

Adopted.

By Mr. Neff:

*Resolved*, That when the Senate adjourns this day it adjourns to meet to-morrow, at eleven o'clock A. M.

Adopted.

[Mr. Perkins in the chair.]

#### GENERAL FILE.

Assembly Bill No. 91—An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco.

Passed on the General File for to-morrow.

Senate Bill No. 219—An Act to indemnify bona fide settlers on the Yosemite Grant.

Passed on the General File for to-morrow.

Senate Bill No. 17—An Act to provide for the purchase of stationery, blank books, light, fuel, furniture, etc., for State officers and members and officers of the Legislature.

Ordered to the top of the General File for Thursday, the twenty-sixth instant.

Senate Bill No. 158—An Act for the relief of John Hoagland and others.

Ordered to the top of the General File for Friday, the twenty-seventh instant.

Senate Bill No. 254—An Act to amend sections three hundred and six and three hundred and seven of the Penal Code.

Read third time and passed.

Senate Bill No. 56—An Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code.

Read third time and passed.

Assembly Bill No. 290—An Act to prevent stallions from running at large in the County of Mono.

Read third time and passed.

Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

On motion of Mr. O'Connor, ordered third on the General File for Friday, the twenty-seventh instant.

Senate Bill No. 291—An Act to amend section thirty-six hundred and seven, and to add a new section, to be known as section thirty-six hundred and eight, to the Political Code.

Referred to the Judiciary Committee.



Senate Bill No. 162—An Act granting privileges to the North Beach and Mission Railroad Company.

Ordered engrossed.

Assembly Bill No. 117—An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell certain lands in said city and county.

Read third time and passed.

Assembly Bill No. 255—An Act to fix the salary and bond of the Treasurer of Fresno County, California.

Read third time and passed.

Senate Bill No. 322—An Act to exempt firemen in Nevada and Siskiyou Counties from the payment of poll taxes.

Amended. On the engrossment of the bill the ayes and noes were demanded by Messrs. Duffy, O'Connor, and Martin, and it was so ordered, by a vote as follows:

AYES—Messrs. Crane, Duffy, Eakin, Edgerton, Farley, Fraser, Irwin, Kent, Keys, Martin, McCune, Neff, O'Connor, Perkins, Roach, and Tuttle—16.

NOES—Messrs. Bartlett, Beck, Bush, DeHaven, Dyer, Finney, Goodale, Hendricks, Laine, Lindsey, McCoy, McKusick, Pendegast, Spencer, and Turner—15.

Senate Bill No. 323—An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, in Sonoma County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Concurrent Resolution No. 47—Concurrent Resolution in relation to mail service between San Diego and Julian Mining District.

Amendment adopted, rules suspended, bill considered engrossed, read a third time, and adopted.

Assembly Bill No. 87—An Act in relation to Swamp Land District Number One Hundred and Fifty.

Recommendation of the committee, that the bill do not pass, adopted.

Senate Bill No. 237—An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma.

Amendments adopted, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 81—An Act to amend section three thousand nine hundred and twenty-one of the Political Code.

Substitute adopted, and ordered engrossed.

Mr. Pendegast, by leave, offered a resolution, as follows:

*Resolved*, That the Committee on Finance be requested to make the necessary examination and report to the Senate answers to the following questions:

First—How much money, if any, has been paid to the various Orphan Asylums of this State under the provisions of an Act to appropriate funds for the relief of the several Orphan Asylums of this State, approved March twenty-eighth, eighteen hundred and seventy, and to what Asylums has such money been paid, and the several amounts to each, and the aggregate amount;

Second—How many and what Orphan Asylums have complied with the terms and provisions of said Act.

Adopted.

On motion of Mr. McKusick, Substitute for Senate Bill No. 199, was ordered printed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 24th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twentieth instant, passed Assembly Bill No. 298—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture and prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

JOHN WEBBER,  
Assistant Clerk.

Assembly Bill No. 298, above reported, read first and second times, and referred to the Committee on Agriculture.

At four o'clock and thirty minutes P. M., on motion of Mr. Tuttle, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER,  
Wednesday, February 25th, 1874. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### LEAVE OF ABSENCE.

Mr. Duffy was granted leave of absence for one day, on account of sickness.

Mr. Garratt was granted indefinite leave of absence.

#### REPORTS.

Reports were submitted as follows:

Mr. Tuttle, for the Sonoma delegation, verbally reported Assembly Bill No. 241—An Act to regulate salaries and fix the compensation of

certain county officers in the County of Sonoma—with amendments, recommending the passage of the bill as amended.

Rules suspended, amendments adopted, read third time, and passed.

By Mr. Beck:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 74—An Act to define the boundary line between the Counties of Tulare and Fresno.

Also, Senate Bill No. 178—An Act to provide for the proper distribution in the several County Treasuries of funds arising from the sale of swamp lands.

Also, Senate Bill No. 320—An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco.

Also, Senate Concurrent Resolution No. 47—against granting a further subsidy to the Pacific Mail Steamship Company's line of steamers to China.

Also, Senate Bill No. 234—An Act to authorize the repayment of moneys erroneously paid into the State Treasury by the Treasurer of Sonoma County.

Also, Senate Bill No. 52—An Act to amend section four hundred and nineteen and to add certain new sections to the Civil Code.

Also, Senate Bill No. 299—An Act to amend an Act entitled an Act to incorporate the Town of San Luis Obispo, approved March fourth, eighteen hundred and seventy-two.

Also, Senate Bill No. 329—An Act to establish a public road along the boundary line between the Counties of Yolo and Colusa.

Also, Senate Bill No. 232—An Act to amend section thirty-nine hundred and twenty-two of the Political Code.

Also, Senate Concurrent Resolution requesting Congress to grant certain lands to the State of California.

Also, Senate Bill No. 325—An Act to fix the salary of the County Clerk of Trinity County.

THOMAS BECK,  
For the Committee.

By Mr. McMurtry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 136—entitled an Act to repeal an Act entitled an Act to make an Act herein named applicable to the County of San Bernardino;

Also, Senate Bill No. 92—entitled an Act to provide for the payment of the outstanding indebtedness of Olmsted School District, in San Luis Obispo County;

Also, Senate Bill No. 174—entitled an Act to reorganize the Board of Supervisors of Napa County, and for other purposes;

And have presented the same to the Governor, for his approval, this day, at eleven o'clock, A. M.

McMURTRY, Chairman.

By Mr. Finney:

MR. PRESIDENT: A majority of your Committee on Agriculture, to

whom was referred Assembly Bill No. 298, report the same to the Senate, and recommend its passage.

H. E. McCUNE, for Majority.

By Mr. Rendegast:

Mr. PRESIDENT: The Committee on the Judiciary have had under consideration Assembly Bill No. 100—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three—and report the same back without recommendation.

Also, Senate Bill No. 149—An Act to cede to the City of San Diego certain tide and submerged lands in the Bay of San Diego—and report the same back, and recommend that it do not pass.

Also, Substitute for Assembly Bill No. 38—An Act to legalize the appointment of Commissioners for Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County, and to validate certain acts of said Commissioners—and report the same back, and recommend its passage.

Also, Assembly Bill No. 201—An Act concerning certain lands situate within and belonging to the City and County of San Francisco. The committee find no reason to change the views already expressed in relation to this bill, and therefore report the same back with the substitute heretofore prepared, and respectfully recommend the adoption and passage of the substitute.

Also, Senate Bill No. 107—An Act in relation to homesteads—and report the same back with a substitute therefor, and respectfully recommend the adoption and passage of the substitute.

Also, Assembly Bill No. 305—An Act providing for an additional Justice of the Peace in Chico Township, Butte County—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 247—An Act to amend section four thousand and seventy-three of the Political Code—and report the same back, and recommend its passage.

Also, Senate Bill No. 264—An Act relating to mutual beneficial and relief associations—and report the same back with amendments thereto, and respectfully recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 268—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two—and report the same back with a recommendation by a majority of the committee that it pass.

Also, Senate Bill No. 259—An Act to amend section thirty-nine hundred and seventy-six and to repeal certain other sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—and report the same back with a substitute therefor, and respectfully recommend the adoption and passage of the substitute.

Also, Assembly Bill No. 192—An Act to add additional sections to the Political Code, relating to costs in criminal cases—and report the same back and recommend its passage.



Also, Assembly Bill No. 145—An Act to provide for the collection of certain unpaid taxes in Fresno County—and report the same back with a recommendation from the majority of the committee that it pass.

Also, Senate Bill No. 290—An Act to amend section one hundred and ninety of the Penal Code; and Senate Bill No. 292—An Act to amend sections one hundred and ninety and eleven hundred and fifty-seven of an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two—and report the same back and recommend that they do not pass.

Also, Senate Bill No. 95—An Act to protect bona fide settlers upon the public lands—and report the same back, with a recommendation from a majority of the committee that it pass.

PENDEGAST, Chairman.

By Mr. Goodale:

MR. PRESIDENT: The delegation from Contra Costa have had under consideration Assembly Bill No. 321—An Act to prevent hogs, horned cattle, goats, and horses from running at large in the Town of Martinez, in Contra Costa County—and report the same back, and recommend its passage.

GOODALE, for Delegation.

By Mr. Goodale:

MR. PRESIDENT: The delegation from Marin have had under consideration Assembly Bill No. 322—An Act to provide for the issuance of the bonds of the County of Marin for the payment of the outstanding indebtedness of said county for road and bridge purposes;

Also, an Act to fix the salary of the Superintendent of Public Schools of Marin County;

And respectfully report the same back, and recommend their passage.

GOODALE, for Delegation.

By Mr. O'Connor:

MR. PRESIDENT: The Nevada delegation have had under consideration Senate Bill No. 326—An Act to provide for the indexing of certain records of Nevada County—report the bill back, and recommend its passage.

O'CONNOR, for Delegation.

Mr. O'Connor moved a suspension of the rules, to place the bill above reported on its passage. So ordered, bill considered engrossed, read a third time and passed.

Mr. Laine, from the Santa Clara delegation, verbally reported Assembly Bill No. 353—An Act to regulate the fees of the County Recorder of Santa Clara County—and recommended its passage.

Mr. Edgerton, from the Sacramento delegation, verbally reported Senate Bill No. 145—An Act concerning the different officers of the County of Sacramento, defining their duties and fixing their compensation—with a substitute, recommending the adoption and passage of the substitute.

Rules suspended, and the bill placed on its passage; substitute adopted, considered engrossed, read third time, and passed; rules further suspended, and the bill ordered transmitted immediately to the Assembly.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 25th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 318—An Act to legalize and confirm certain notices of tax sale, and the tax sale made in pursuance thereof.

Also, Senate Bill No. 172—An Act to add a new section to the Penal Code.

Also, Senate Bill No. 83—An Act to legalize certain bonds of the City of San Diego, and to provide for the payment of the interest thereon, and for the redemption thereof.

Also, Senate Bill No. 297—An Act to provide for the time of holding terms of the County Court and Probate Court, in the County of Colusa.

Also, Senate Bill No. 223—An Act to protect fish in the Counties of Plumas and Sierra.

Also, Senate Bill No. 241—An Act to prescribe the commencement of the term of Supervisors in the County of Tuolumne.

NEWTON BOOTH,  
Governor.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bush—An Act concerning the fees of the Sheriff of Los Angeles County.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Fraser—An Act to amend an Act concerning roads and highways in the County of El Dorado, approved March fifteenth, eighteen hundred and seventy-two.

Read first and second times, and referred to delegation.

By Mr. Perkins—An Act concerning the selection and sale of University lands.

Read first and second times, and referred to Committee on Public Lands.

By Mr. Beck—An Act to reorganize the Supervisor districts of the County of Monterey.

Read first and second times, rules suspended, considered engrossed, by unanimous consent, read third time, and passed.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were offered as follows:

By Mr. Neff:

*Resolved*, That the sum of thirty dollars be and the same is hereby allowed to James Woodworth, for services as clerk of the Committee on

State Prison, to be paid out of the appropriation for the contingent expenses of the Senate.

Also,

*Resolved*, That Frank Shay be and he is hereby allowed the sum of one hundred and seventy-five dollars, for services as phonographic reporter, rendered the Committee on State Prisons, and the Controller is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of Frank Shay, for such amount, and the Treasurer to pay the same.

The resolutions were referred to the Committee on Contingent Expenses.

[Mr. Tuttle in the chair.]

#### GENERAL FILE.

Senate Bill No. 29—An Act to amend section one hundred and ninety of the Penal Code, and to abolish capital punishment.

At one o'clock P. M., on motion of Mr. Farley, the hour of recess was postponed for thirty minutes.

At one o'clock and thirty minutes P. M. the Senate took a recess until two o'clock P. M.

#### REASSEMBLED.

At two o'clock P. M., the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

#### GENERAL FILE RESUMED.

Senate Bill No. 29—resumed.

On the adoption of the recommendation of the committee, that the bill do not pass, the ayes and noes were demanded by Messrs. Finney, Gibbons, and Goodale, and the Senate adopted the recommendation of the committee, by a vote as follows:

**AYES**—Messrs. Bartlett, Beck, Boggs, Bush, DeHaven, Dyer, Farley, Fraser, Gibbons, Hendricks, Irwin, Laine, Martin, McCoy, McCune, McKusick, McMurry, O'Connor, Pendegast, Roach, and Tuttle—21.

**NOES**—Messrs. Crane, Eakin, Edgerton, Finney, Goodale, Kent, Lindsey, Spencer, and Turner—10.

Mr. Gibbons, by leave, verbally reported Senate Bill No. 159—An Act to fix the salaries of certain officers in the County of Alameda, and for other purposes—with a substitute, recommending the adoption and passage of the substitute.

Rules suspended, and the bill placed on its passage, substitute adopted, considered engrossed, read a third time and passed. Rules further suspended, and the bill ordered transmitted immediately to the Assembly.

Mr. Keys, by leave, presented a remonstrance against the division of Tulare County.

Received, and referred to the Committee on Counties and County Boundaries.

## REPORT.

Mr. Beck, by leave, made a report as follows:

MR. PRESIDENT: The Monterey delegation, to whom was referred Assembly Bill No. 330—An Act concerning roads and highways in the County of Monterey—have had the same under consideration, report the same back, and recommend its passage.

BECK, for Delegation.

Mr. Laine verbally reported Senate Bill No. 239—An Act to amend sections four thousand two hundred and thirty-four, four thousand two hundred and thirty-five, four thousand two hundred and thirty-six, and four thousand two hundred and thirty-eight of the Political Code—with an error corrected.

## SPECIAL ORDER.

The special order, set for to-day at two o'clock p. m: Senate Bill No. 147—An Act to provide for the sale of certain property belonging to the State—was now taken up.

On motion of Mr. Edgerton, the special order was discharged, and the bill ordered to the top of the General File for Friday next.

## REPORT.

Mr. Pendegast made a report, as follows:

MR. PRESIDENT: The joint committee appointed in pursuance of Assembly Joint Resolution No. 18, which reads as follows:

*Resolved by the Assembly, the Senate concurring, That a committee of three from the Senate and four from the Assembly be appointed to consider and report upon the necessity and policy of calling a Convention to revise the State Constitution.*

Have considered the subject matter submitted to them, and now report the resolution back, with the result of their deliberations.

That our State Constitution needs a thorough revision, seems to be beyond question. Admirable as was that instrument in the first place, and well adapted to the condition of things existing at the time of its adoption, the great and radical changes which have taken place not only in our State but in the country at large, have rendered many parts of it inapplicable to the present phases of our civilization, if not in open antagonism thereto. The difference between our condition now and twenty-three years ago is so great, that if it was the result of a more speedy process, it could only be expressed by the word "revolution."

A necessity for a change in the organic law being conceded, the only question left is as to the method by which that change shall be effected—whether in detail by the action of the Legislature, aided by the votes of the people, or by an examination, review, and revision of the whole instrument by a body of citizens called together in lawful form for that specific purpose. The committee prefer, and, therefore, recommend the latter plan, for many reasons.

First—The method of amendment by the Legislature is not satis-



factory in theory, and has not proved to be so in results. It is simply impossible for members of the Legislature to give to these subjects that thought and attention which their importance demands while oppressed with their other legislative duties.

Second—The people, in voting upon a single amendment, do not give to it that study or reflection which they would if the whole instrument was submitted and the whole question involved.

Third—Amendments, good in themselves as an isolated and independent proposition, are often found, when attempted to be placed in the body of the Constitution, not to fit in or harmonize with other portions of the general framework.

Fourth—It is to the people themselves that the question of a Convention is to be submitted, and to assume that they cannot decide it properly would be to insult their intelligence, and, perhaps, amount to a denial of one of their rights.

Fifth—The present condition of our laws for the assessment and collection of taxes for revenue is in the last degree unsatisfactory; and the decisions of our Supreme Court, as to the bearing of the Constitution upon our revenue laws, leave the whole matter in a state of painful uncertainty. If a Constitutional Convention could accomplish no other object than to frame an amendment to the organic law, which will prepare the way for a just and equitable system of property assessment, and thereby properly adjust the burdens of taxation, that alone would warrant its assemblage, and the hope of such a result, in our judgment, warrants its calling. We are persuaded that if an election be had, at which there shall be no side issues to distract the mind of the voter from the single question of constitutional amendment, we will have a Convention of earnest, thoughtful, practical men, able and willing to address themselves to their great task, and that the result of their labors will be a new Constitution, which will reflect credit upon its authors, and promote the welfare of the whole people.

Sixth—The proper adjustment of the great issues between the people and the railroad corporations can, in our judgment, be more nearly arrived at by proper amendments to the organic law than by fleeting and transitory legislation. For these and other reasons we recommend that the Legislature, at its present session, take proper steps to submit to the electors, at the next election for members of the Senate and Assembly, the question as to whether or no they favor the calling together of a body of themselves to form a Constitutional Convention, in accordance with section two of Article X of the Constitution.

WILLIAM WIRT PENDEGAST,  
GEORGE S. EVANS,  
WILLIAM J. GRAVES,  
On the part of the Senate.

P. COGGINS,  
W. J. GURNETT,  
DANIEL ROGERS,  
G. W. GIFFEN,  
On the part of the Assembly.

On motion of Mr. Pendegast, the report was laid on the table and ordered printed.

## INTRODUCTION OF BILLS.

Bills were introduced by leave, as follows:

By Mr. Finney:

An Act to amend section twelve hundred and thirty of the Penal Code.

Also, an Act to amend section twelve hundred and twenty-eight of the Penal Code.

Bills read first and second times, and ordered on the General File.

## GENERAL FILE RESUMED.

Assembly Bill No. 91—An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco.

Read third time, and passed.

Senate Bill No. 298—An Act to amend the Political Code, concerning the delinquency of taxes.

Read third time, and passed.

Senate Bill No. 276—An Act to provide for the construction of a railroad from Colfax, in the County of Placer, to Nevada City, in the County of Nevada, and to regulate fares and freights thereon.

Read third time, and passed.

Senate Bill No. 225—An Act to amend the Code of Civil Procedure of the State of California.

Read third time, and passed.

Senate Bill No. 127—An Act to promote irrigation in the County of Los Angeles.

Referred to the Committee on Irrigation.

Senate Bill No. 219—An Act to indemnify bona fide settlers on the Yosemite Grant.

Ordered on the General File for Monday, March second.

Senate Bill No. 314—An Act to amend certain sections and to repeal a certain section of the Political Code.

Ordered engrossed.

Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

On motion of Mr. Dyer, Senate Bill No. 110—An Act to provide for a State census in eighteen hundred and seventy-five—was taken up to be considered in conjunction with Assembly Bill No. 88.

Substitute for Senate Bill No. 110 adopted as a substitute for Assembly Bill No. 88.

Considered in Committee of the Whole.

[Mr. Perkins in the chair.]

In Senate, amendments reported as adopted in Committee of the Whole, concurred in.

Mr. Bartlett moved to amend section one—strike out the word "March," in the fourth line, and insert "January."

Lost.

Read third time, and passed.

Mr. Gibbons, by leave, introduced a bill, as follows:

An Act to provide for the erection of county buildings in the County of Alameda, and for the issuance of bonds therefor.

Read first and second times, and referred to the Committee on Corporations.

Mr. Pendegast, by leave, submitted a report, as follows:

Mr. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 240—An Act to authorize the County Treasurer of Napa County to pay certain warrants drawn by the Auditor of Napa County out of the General Road Fund of said county—report the same back with a substitute, and recommend the adoption and passage of the substitute.

PENDEGAST, Chairman.

Rules suspended, and the above reported bill taken up and placed on its passage.

Substitute adopted, considered engrossed, read third time, and passed.

At five o'clock P. M., on motion of Mr. McKusick, the Senate adjourned.

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### IN SENATE.

SENATE CHAMBER,  
Thursday, February 26th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

### REPORTS.

The following reports were submitted:

By Mr. Perkins:

Mr. PRESIDENT: Your Committee on Claims, after having duly considered Assembly Bill No. 202—An Act to authorize the Controller of State to issue duplicate warrants to J. T. Bailey—report the same back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 262—An Act to provide for payment of attorney's fees—respectfully report the bill back, and recommend its passage.

PERKINS, Chairman.

By Mr. O'Connor:

Mr. PRESIDENT: The Committee on State and County Revenue have had under consideration Senate Bill No. 311—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes—report the same back with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

O'CONNOR, Chairman.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 332—An Act to provide for the payment of the debt incurred in building a school house for the Oro Fino School District, in Siskiyou County.

Also, Senate Bill No. 273—An Act to amend section two of an Act entitled an Act to amend section one of an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved February twenty-ninth, eighteen hundred and sixty-eight, and to provide for the payment thereof, approved March twenty-fifth, eighteen hundred and seventy.

Also, Senate Bill No. 236—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, to add a new section thereto, to be known as section four thousand and forty-seven.

Also, Senate Bill No. 162—An Act granting privileges to the North Beach and Mission Railroad Company.

Also, Senate Bill No. 322—An Act to exempt firemen in Nevada and Siskiyou Counties from the payment of poll taxes.

Also, Senate Bill No. 323—An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, in Sonoma County.

Also, Senate Concurrent Resolution No. 46—In relation to mail service between San Diego and Julian Mining District.

Also, Senate Bill No. 237—An Act to amend an Act concerning roads and highways in the County of Sonoma.

Also, Senate Bill No. 81—An Act to amend section three thousand nine hundred and twenty-one of the Political Code.

Also, Senate Bill No. 343—An Act to reorganize the Supervisor Districts of the County of Monterey.

Also, Senate Bill No. 326—An Act to provide for the indexing of certain records of Nevada County.

TUTTLE, for Committee.

By Mr. Hendricks:

MR. PRESIDENT: The Butte County delegation, to whom was referred Assembly Bill No. 237—An Act to protect agriculture in the County of Butte—report the same back amended, and recommend its passage as amended.

HENDRICKS, for Delegation.

Mr. Bush, for the Committee on Hospitals, submitted a report concerning the Deaf, Dumb, and Blind Asylum.

Received, and ordered printed.

Mr. Bush, for the Committee on Hospitals, also submitted a report concerning the Stockton Insane Asylum.

Received, and four hundred and eighty copies of the report ordered printed.

Mr. Bush verbally reported Senate Bill No. 127—An Act to promote irrigation in the County of Los Angeles—with an amendment, recommending its passage as amended.



Rules suspended, and the bill placed on its passage, amendment adopted, read third time, and passed.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
February 25th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twentieth instant, passed Assembly Bill No. 269—An Act for the relief of Andrew Wasson, Sheriff of Monterey County.

Also, Assembly Bill No. 273—An Act to ratify and confirm the sale of a franchise granted under and by an Act entitled an Act to authorize D. B. Northrop, Horace Cole, and E. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco, approved April eighteenth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April twenty-fourth, eighteen hundred and sixty-three, and an Act amendatory thereof, approved April fourth, eighteen hundred and sixty-four.

Also, Assembly Bill No. 238—An Act to regulate fees and salaries of officers, and defining their duties, in the County of San Diego, and other matters relating thereto.

Also, Substitute for Assembly Bill No. 316—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Santa Clara County.

Also, Substitute for Assembly Bills Nos. 1 and 26—An Act to amend certain sections of the Political Code, and to repeal certain other sections.

Also, Assembly Bill No. 291—An Act to authorize the City of Sacramento to raise and pay to the former owners of land sold to the State of California, to enlarge the Capitol grounds, the balance of the purchase price of said land.

Also, Assembly Bill No. 260—An Act granting the right of way to the Sierra Iron Company.

Also, Assembly Bill No. 164—An Act to provide for the return to the State Treasury and for cancellation of certain Controller's warrants.

Also, Assembly Bill No. 203—An Act to provide for the election of certain officers, and reduce certain salaries, in the City of Sacramento.

Also, Assembly Bill No. 275—An Act to prevent hogs and goats running at large in the Town of Fiddletown, Amador County.

Also, Assembly Bill No. 182—An Act to reincorporate the City of Monterey.

Also, Assembly Bill No. 319—An Act to unite Putah School District, in the County of Solano, and Yolo School District, in the County of Yolo.

And refused to concur in Senate amendments to Assembly Bill No. 186—An Act to amend section two hundred and fifty-five of the Political Code.

Also, passed Substitute for Assembly Bill No. 5—An Act to amend the Penal Code, by adding two new sections, to be designated sections two hundred and nine and two hundred and ten.

Also, on this date, concurred in Senate amendment to Assembly Concurrent Resolution No. 27—relative to the survey of the mountain grazing lands of this State.

Also, concurred in Senate amendments to Assembly Bill No. 348—An Act to regulate the traveling fees of the Sheriff of the County of Inyo, and of the Constables within said county.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 25th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twentieth instant, passed Assembly Bill No. 337—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa.

Also, Assembly Bill No. 338—An Act to authorize the City of Santa Rosa to borrow money.

Also, Assembly Bill No. 360—An Act concerning the terms of office and the times of meeting of the Supervisors of Yolo County.

Also, Assembly Bill No. 366—An Act in relation to the Industrial School Department of the City and County of San Francisco.

Also, Assembly Bill No. 367—An Act authorizing the Board of Supervisors of the City and County of San Francisco to examine and pay certain claims.

Also, Assembly Bill No. 343—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Sutter.

Also, on this day, passed Substitute for Assembly Bill No. 22—An Act to amend the Political Code, by adding thereto certain sections, to be designated as sections thirty-three hundred and eighty-eight, thirty-three hundred and eighty-nine, thirty-three hundred and ninety, and thirty-three hundred and ninety-one.

Also, Assembly Bill No. 258—An Act relating to conveyances of real estate.

Also, Assembly Bill No. 257—An Act to add section eleven hundred and sixty-five to the Civil Code.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 337, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 338, above reported, read first and second times, and referred to the Committee on Finance.

Assembly Bill No. 360, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bills Nos. 366 and 367, above reported, read first and second times, and referred to the San Francisco delegation.

Assembly Bill No. 343, above reported, read first and second times, and referred to the Sutter County delegation.

Assembly Bills Nos. 22, 257, and 258, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 269, above reported, read first and second times, and referred to the Committee on Claims.

Assembly Bill No. 273, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 288, above reported, read first and second times, and referred to the San Diego County delegation.

Substitutes for Assembly Bills Nos. 1 and 26, also, No. 5, above reported, read first and second times, and referred to the Judiciary Committee.

Substitute for Assembly Bill No. 316, above reported, read first and second times, and referred to the Committee on Agriculture.

Substitutes for Assembly Bills Nos. 291 and 203, above reported, read first and second times, and referred to the Sacramento County delegation.

Substitute for Assembly Bill No. 260, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 164, above reported, read first and second times, and referred to the Committee on Finance.

Assembly Bill No. 275, above reported, read first and second times, and referred to the Amador County delegation.

Assembly Bill No. 182, above reported, read first and second times, and referred to the Monterey County delegation.

Assembly Bill No. 319, above reported, read first and second times, and referred to the Committee on Education.

[Mr. Perkins in the chair.]

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Keys—An Act to regulate the management of hogs in certain counties of this State.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Boggs—An Act to amend an Act entitled an Act to incorporate the Town of Colusa, approved April fourth, eighteen hundred and seventy.

Read first and second times, and referred to the Committee on Corporations.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were offered as follows:

By Mr. McCoy:

*Resolved by the Senate, the Assembly concurring,* That the Enrolling Clerk be authorized and directed to correct a clerical error in Senate Bill No. 246, by striking out the words "seventy-two," in the third proviso of section two of said bill, and inserting in lieu thereof the words "seventy-four."

Adopted.

Mr. Pendegast, for the Mendocino delegation, by leave, verbally reported Assembly Bill No. 295—An Act to fix the salaries of certain officers in Mendocino County—recommending its passage.

Rules suspended, and the bill taken up and placed on its passage, read third time, and passed.

On motion of Mr. Turner, the rules were suspended, and Senate Bill No. 336 taken up out of its order on the General File, and placed on its passage—An Act concerning the office of Treasurer of Sierra County.

Rules suspended, considered engrossed, read third time, and passed; rules further suspended, and the bill ordered transmitted immediately to the Assembly.

By Mr. Neff:

*Resolved*, That the sum of forty dollars be and the same is hereby allowed L. B. Mathews for attendance as a witness before the Committee on State Prison, to be paid out of the appropriation for the contingent expenses of the Senate.

Adopted.

#### GENERAL FILE.

Senate Bill No. 17—An Act to provide for the purchase of stationery, blank books, lights, fuel, furniture, etc., for State officers and members and officers of the Legislature.

Considered in Committee of the Whole.

In Senate, reported with amendments.

Mr. Duffy moved to refer the bill to the Committee on Public Buildings.

Lost.

At one o'clock P. M., on motion of Mr. McKusick, the hour of recess was postponed until the bill under consideration was disposed of.

Mr. McKusick moved to consider the amendments adopted in Committee of the Whole seriatim.

So ordered.

Amendments to sections one, two, and three concurred in.

On the amendment striking out section four, the ayes and noes were demanded by Messrs. McKusick, Irwin, and Neff, and the amendment was concurred in, by a vote as follows:

AYES—Messrs. Bartlett, Beck, Boggs, Duffy, Dyer, Eakin, Farley, Gibbons, Goodale, Hendricks, Irwin, Kent, Keys, Lindsey, McCoy, McCune, McMurry, Pendegast, Perkins, Turner, and Tuttle—21.

NOES—Messrs. Andross, Crane, Edgerton, Finney, Fraser, Laine, Martin, McKusick, Neff, O'Connor, and Spencer—11.

On the amendment to section five, striking out after the words "duty of" the words "said Janitor, immediately upon his appointment," and insert in lieu thereof the words "the Secretary of State, immediately after the passage of this Act," the ayes and noes were demanded by Messrs. McKusick, O'Connor, and Crane, and the amendment was concurred in, by a vote as follows:

AYES—Messrs. Bartlett, Beck, Boggs, Duffy, Dyer, Eakin, Edgerton, Farley, Gibbons, Goodale, Hendricks, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McMurry, O'Connor, Pendegast, Perkins, Spencer, Turner, and Tuttle—26.

NOES—Messrs. Andross, Crane, Fraser, McKusick, and Neff—5.



Other amendments to section five were concurred in, and the bill was further amended.

Mr. Beck moved to indefinitely postpone the bill, on which the ayes and noes were demanded by Messrs. Duffy, Edgerton, and Beck, and the motion prevailed, by a vote as follows:

AYES—Messrs. Beck, Boggs, Duffy, Eakin, Edgerton, Farley, Gibbons, Kent, Keys, Lindsey, McCoy, McCune, McKusick, Neff, Pendegast, and Roach—16.

NOES—Messrs. Andross, Bartlett, Crane, Fraser, Goodale, Irwin, Laine, Martin, O'Connor, Perkins, Turner, and Tuttle—12.

Mr. McKusick gave notice that, on to-morrow, he would move to reconsider the vote by which the bill was indefinitely postponed.

At one o'clock and fifty-five minutes P. M., on motion of Mr. Pendegast, the Senate took a recess until three o'clock P. M.

#### REASSEMBLED.

At three o'clock P. M. the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

#### LEAVE OF ABSENCE.

Mr. Bush was granted leave of absence for one day.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. McCune—An Act to authorize the Controller of State to issue duplicate warrants.

Read first and second times, and referred to the Committee on Claims.

By Mr. Tuttle—An Act to amend the Penal Code, relative to gaming.

Read first and second times, and ordered on file.

By Mr. Evans—An Act to amend an Act entitled an Act to establish a Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

#### RESOLUTION.

Mr. Kent, by leave, offered a resolution, as follows:

*Resolved*, That when the Senate adjourns to-day, it does so to meet to-morrow, at eleven o'clock A. M., out of respect to the memory of Thomas A. Springer, late State Printer, who departed this life, at San Francisco, this morning.

Adopted unanimously.

#### REPORT.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report

that they have examined and find correctly enrolled Senate Bill No. 72—An Act to amend an Act entitled an Act concerning compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two;

Also, Senate Bill No. 255—An Act to repeal an Act to provide for the maintenance of public roads and trails in the County of Sierra, approved February ninth, eighteen hundred and sixty-six;

Also, Senate Bill No. 222—An Act to amend an Act entitled an Act to provide for the manner of auditing claims against the County of Humboldt, and to provide for the reduction of taxation therein and expenses thereof, approved April first, eighteen hundred and seventy.

Also, Substitute for Senate Bill No. 184—An Act to establish the boundaries of the City of Sacramento;

Also, Senate Bill No. 191—An Act to repeal section one of an Act supplementary to and amendatory of an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six, approved March twenty-eighth, eighteen hundred and sixty-eight, approved April first, eighteen hundred and seventy-two;

And have presented the same to the Governor, for his approval, this day, at three o'clock and fifteen minutes P. M.

McMURRY, Chairman.

#### GENERAL FILE RESUMED.

Senate Bill No. 52—An Act to amend section four hundred and nineteen and to add certain new sections to the Civil Code.

Ordered to the top of the General File for to-morrow.

Senate Bill No. 178—An Act to provide for the proper distribution in the several County Treasuries of funds arising from the sale of swamp lands.

Read third time and passed.

Senate Bill No. 105—An Act to add to the end of Chapter I, Title I, of Part III of the Penal Code, two new sections.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

[Mr. Evans in the chair.]

Senate Bill No. 198—An Act to amend section thirty-four hundred and ninety-five of the Political Code.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 296—An Act regulating the sale of the mineral lands belonging to the State.

Passed on file.

Senate Bill No. 335—An Act to fix the compensation of the School Superintendent of the County of Stanislaus.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 239—An Act to provide for the appointment of an additional Notary Public for the County of Los Angeles.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 293—An Act for the protection of quail in the Counties of San Mateo, Contra Costa, Alameda, Marin, Santa Clara, San Joaquin, and Sacramento.

Recommitted to the Committee on Agriculture.

Senate Bill No. 199—An Act authorizing and requiring the Surveyor General to cancel and annul applications for portions of the sixteenth and thirty-sixth sections of the public lands of this State.

On motion of Mr. Edgerton, referred to the Committee on Public Lands.

Assembly Bill No. 298—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture, and prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Amendments adopted, read third time. On the passage of the bill, the ayes and noes were demanded by Messrs. Lindsey, Fraser, and Goodale, and it passed, by a vote as follows:

AYES—Messrs. Andross, Boggs, De Haven, Duffy, Edgerton, Farley, Graves, Hendricks, Irwin, Kent, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, and Tuttle—19.

NOES—Messrs. Bartlett, Crane, Dyer, Evans, Finney, Fraser, Goodale, Keys, Laine, Lindsey, Martin, and Turner—12.

Assembly Bill No. 100—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego on the twentieth day of June, eighteen hundred and seventy-three.

On motion of Mr. McCoy, ordered to the top of the General File for Tuesday next, the third of March.

Senate Bill No. 149—An Act to cede to the City of San Diego certain tide and submerged lands in the Bay of San Diego.

Laid on the table, on motion of Mr. McCoy.

Assembly Bill No. 38—An Act to legalize the appointment of Commissioners for Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County, and to validate certain acts of said Commissioners.

Read a third time and passed.

Assembly Bill No. 201—An Act concerning certain lands situate within and belonging to the City and County of San Francisco.

Substitute adopted, read a third time, and passed.

Senate Bill No. 107—An Act in relation to homesteads.

Substitute adopted, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill No. 305—An Act providing for an additional Justice of the Peace in Chico Township, Butte County.

On motion of Mr. Perkins, indefinitely postponed.

Senate Bill No. 247—An Act to amend section four thousand and seventy-three of the Political Code.

Amended, and ordered engrossed.

Senate Bill No. 264—An Act relating to mutual beneficial and relief associations.

Amended, and ordered engrossed.

Senate Bill No. 268—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two.

Ordered engrossed.

On motion of Mr. Goodale, the rules were suspended, and Assembly

Bill No. 225—An Act to fix the salary of the Superintendent of Public Schools of Marin County—taken up out of its order, read a third time, and passed.

At the request of Mr. McKusick, Joseph McBoyle, Page, was granted indefinite leave of absence, on account of sickness in the family.

On motion of Mr. Bartlett, the rules were suspended, to take up out of its order Assembly Bill No. 192—An Act to add additional sections to the Political Code, relating to costs in criminal cases.

Read third time and passed.

At five o'clock and seven minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,

Friday, February 27th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Graves presented a petition from citizens of Santa Barbara, opposing the passage of an Act having for its object the reduction of telegraph rates.

Mr. Beck presented a petition from citizens of Monterey and Santa Cruz Counties, praying for the passage of a law providing for calling a Constitutional Convention to remodel the organic law of this State in such a manner as to insure needed reforms.

Petitions received and laid on the table.

## REPORTS.

Reports were submitted, as follows:

Mr. Graves verbally reported Senate Bill No. 221—An Act to provide funds for the Town of San Luis Obispo—with a clerical error corrected.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 246—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March second, eighteen hundred and seventy-two;

Also, Senate Bill No. 82—An Act to incorporate the City of Visalia, and to provide for public schools therein;



And have presented the same to the Governor this day, for his approval, at eleven o'clock A. M.

McMURRY, Chairman.

By Mr. Goodale:

Mr. PRESIDENT: Your Committee on Public Morals have had under consideration Senate Bill No. 309—An Act to permit the voters of every township, incorporated city, town, or county in this State to vote on the question of granting licenses to sell intoxicating liquors—and report the same back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

GOODALE, Chairman.

By Mr. Beck:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 314—An Act to amend certain sections and repeal certain sections of the Political Code.

Also, Senate Bill No. 239—An Act to amend section four thousand two hundred and thirty-four of the Political Code.

Also, Senate Bill No. 240—An Act to authorize the County Treasurer of Napa County to pay certain warrants drawn by the Auditor of Napa County out of the General Road Fund of said county.

BECK, for Committee.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Contingent Expenses having had under consideration a resolution to pay a phonographic reporter for the Committee on State Prisons, herewith report it back, and recommend that it pass.

Also, a resolution to pay a clerk for the Committee on State Prisons, and report the same back, and recommend that it pass.

McMURRY, Chairman.

*Resolved*, That Frank Shay be and he is hereby allowed the sum of one hundred and seventy-five dollars for services as phonographic reporter, rendered the Committee on State Prisons, and the Controller is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of Frank Shay for such amount, and the Treasurer to pay the same.

Adopted.

*Resolved*, That the sum of thirty dollars be and the same is hereby allowed James Woodworth for services as clerk of the Committee on State Prisons, to be paid out of the appropriation for the Contingent Fund of the Senate.

Adopted.

By Mr. Boggs:

Mr. PRESIDENT: The Committee on Counties and County Boundaries have had under consideration Senate Bill No. 203—An Act to create the

County of Manache, to establish the boundaries thereof, and to provide for its organization—and would respectfully report that we are satisfied, from the papers submitted and the testimony taken, that the creation of the proposed new county is not demanded by anything like a majority of the people affected or by considerations of public policy. The County of Manache, as proposed, would have less than one thousand population, and less than one million of taxable property. Nothing but a most extraordinary geographical position would, in our judgment, justify the organization of a county with so small a basis for support.

We are further satisfied that the main support of the bill originates in a fear on the part of the people of the Town of Visalia that the county seat of Tulare County may be ultimately removed from its present site. Whether this fear is well grounded or not, we do not know, but it is not a sufficient consideration to induce us to favor a new county of more than doubtful weakness in wealth and population. We therefore recommend that the bill be indefinitely postponed.

BOGGS, Chairman.

Mr. Farley verbally reported Assembly Bill No. 275—An Act to prevent hogs and goats from running at large in the Town of Fiddletown, Amador County—recommending its passage.

By Mr. Goodale:

Mr. PRESIDENT: The Alameda and Contra Costa County delegations have had under consideration Assembly Bill No. 40—An Act to abate the squirrel nuisance in certain counties of the State of California—and report the same back, and recommend its passage.

GOODALE, for Delegation.

By Mr. Bartlett:

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 366—An Act in relation to the Industrial School Department of the City and County of San Francisco—have had the same under consideration, and report the same back, and recommend its passage.

BARTLETT, for Delegation.

Rules suspended, and the bill above reported placed on its passage, read third time, and passed.

By Mr. Duffy:

Mr. PRESIDENT: The Sacramento delegation, to whom was referred Assembly Bill No. 312—An Act supplementary to an Act to establish a Paid Fire Department in the City of Sacramento;

Also, Assembly Bill No. 313—An Act to amend an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March thirtieth, eighteen hundred and seventy-two;

Also, Assembly Bill No. 291—An Act to authorize the City of Sacramento to raise and pay to the former owners of land sold to the State of California to enlarge the Capitol grounds, the balance of the purchase

price of said lands—have had the same under consideration, and now report them back, and respectfully recommend their passage.

EDGERTON,  
DUFFY,  
Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 26th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 174—An Act to organize the Board of Supervisors of Napa County, and for other purposes;

Also, Senate Bill No. 92—An Act to provide for the payment of the outstanding indebtedness of Olmstead School District, in San Luis Obispo County.

NEWTON BOOTH,  
Governor.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
February 26th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Substitute for Senate Bill No. 145—An Act concerning the officers of the County of Sacramento, defining their duties and fixing their compensation.

Also, Senate Bill No. 329—An Act to establish a public road along the boundary line between the Counties of Yolo and Colusa.

Also, Senate Bill No. 317—An Act amendatory of and supplemental to an Act to regulate fees of officers in Siskiyou County, approved March twelfth, eighteen hundred and seventy.

Also, Senate Bill No. 336—An Act concerning the office of Treasurer of Sierra County.

Also, Senate Bill No. 325—An Act to fix the salary of the County Clerk of Trinity County.

Also, Senate Bill No. 159—An Act to fix the salaries of certain officers in the County of Alameda, and for other purposes.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
February 26th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Concurrent Resolution No. 49—correcting error in Senate Bill No. 246.

Also, refused to concur in Senate amendment to Assembly Bill No. 117—An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell certain lands in said city and county.

Also, refused to concur in certain Senate amendments to Assembly Bill No. 241—An Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma.

Also, passed Assembly Bill No. 317—An Act declaring Alameda Creek, in the County of Alameda, a navigable stream, and providing for the removal of obstructions therefrom.

Also, Assembly Bill No. 350—An Act to authorize the Board of Supervisors of Mariposa County to allow compensation to Manuel De Silva and brother, for maintaining a ferry.

Also, on the twentieth instant, passed Assembly Bill No. 372—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Yolo.

Also, Assembly Bill No. 376—An Act to provide for the improvement of the roadway leading to the Sacramento City Cemetery.

Also, Assembly Bill No. 393—An Act in relation to public schools in Marin County.

JOHN WEBBER,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 117, above reported, the Senate receded from its amendment.

Assembly Bill No. 186, above reported, the Senate refused to recede from its amendments.

Assembly Bill No. 241, above reported, the Senate refused to recede from its amendments.

On motion of Mr. Tuttle, the rules were suspended, and the Chair authorized to appoint a Committee of Conference on the part of the Senate.

Assembly Bill No. 317, above reported, read first and second times, and referred to the Alameda County delegation.

Assembly Bill No. 350, above reported, read first and second times, and referred to the Mariposa County delegation.

Assembly Bill No. 372, above reported, read first and second times, and referred to the Yolo County delegation.

Assembly Bill No. 376, above reported, read first and second times, and referred to the Sacramento delegation.

Assembly Bill No. 393, above reported, read first and second times, and referred to the Marin County delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Duffy—An Act to authorize the State Controller to issue a duplicate warrant.

Read first and second times, and referred to the Committee on Claims.

By Mr. Keys—An Act to amend section four thousand and one of the Political Code.

Read first and second times, and referred to the Judiciary Committee.



By Mr. McCoy—An Act to fix the compensation of the Assessor of San Diego County, and for other purposes.

Read first and second times, rules suspended, considered engrossed, by unanimous consent read third time and passed, and ordered transmitted to the Assembly.

By Mr. Gibbons (by request)—An Act to enable Boards of Supervisors to grant franchises for railroads upon public highways.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. McCoy—An Act to grant the right to construct a wagon road in San Diego County.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Pendegast—An Act to provide for the purchase of certain portraits.

Read first and second times, and referred to the Committee on State Library.

Also, an Act supplemental to an Act to reorganize the Board of Supervisors of Napa County, and for other purposes, approved February twenty-fifth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed, by unanimous consent read third time, and passed.

By Mr. Finney—An Act to amend an Act entitled an Act to amend an Act entitled an Act to establish a Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McCune—An Act to add another section to the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gibbons—A joint resolution concerning the improvement of the harbor of Oakland.

Read first and second times, and referred to the committee on Federal Relations.

[Mr. Tuttle in the chair.]

#### GENERAL FILE.

Senate Bill No. 55—An Act to repeal section nineteen hundred and thirty-six of the Political Code of the State of California, concerning jury duty, and the payment of poll taxes in certain cases.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Laine, Bush, and McMurry, and the Senate refused to engross the bill, by a vote as follows:

AYES—Messrs. Beck, Boggs, Bush, Eakin, Farley, Goodale, Graves, Hendricks, Laine, Lindsey, McCune, McMurry, O'Connor, Pendegast, Turner, and Tuttle—16.

NOES—Messrs. Andross, Bartlett, Crane, Dyer, Edgerton, Evans, Finney, Fraser, Hopkins, Irwin, Kent, Keys, Martin, McCoy, McKusick, Neff, Perkins, Roach, and Spencer—19.

Senate Bill No. 130—An Act to amend the Political Code, and other Acts concerning military affairs.

Considered in Committee of the Whole.

In Senate, reported with amendments, and amendments concurred in.

On motion of Mr. Pendegast, the further consideration of the bill was postponed until two o'clock P. M.

Senate Bill No. 311—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes.

Taken up out of its order, under a suspension of the rules, on motion of Mr. Keys, considered engrossed, read third time, and passed.

At one o'clock P. M., Senate took a recess.

#### REASSEMBLED.

At two o'clock P. M., the Senate reassembled.

President in the chair.

Roll called, and quorum present.

#### REPORTS.

Mr. McMurry made a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined, and find correctly enrolled, Senate Bill No. 153—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico, Butte County, approved January eighth, eighteen hundred and seventy-two—and have presented the same to the Governor, for his approval, this day, at twelve o'clock M.

McMURRY, Chairman.

By Mr. McCune, by leave:

MR. PRESIDENT: Your delegation to whom was referred Assembly Bill No. 360—concerning the terms of office, and the times of meeting of the Supervisors of Yolo County—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

McCUNE, for Delegation.

Senate Bill No. 130, resumed.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Lindsey, Fraser, and Laine, and it was ordered engrossed, by a vote as follows:

AYES—Messrs. Beck, Boggs, Bush, DeHaven, Duffy, Eakin, Farley, Goodale, Hendricks, Laine, Lindsey, Martin, McCune, McKusick, McMurry, O'Connor, Pendegast, Perkins, Turner, and Tuttle—20.

NOES—Messrs. Andross, Bartlett, Crane, Dyer, Edgerton, Evans, Fraser, Graves, Hopkins, Kent, McCoy, Neff, Roach, and Spencer—14.

[Mr. Tuttle in the chair.]

Mr. McKusick, in accordance to previous notice, moved to reconsider the vote whereby the Senate, on yesterday, indefinitely postponed Senate Bill No. 17—An Act to provide for the purchase of stationery, blank books, lights, fuel, furniture, etc., for State officers, and members and officers of the Legislature.

On which the ayes and noes were demanded by Messrs. Duffy, Neff, and McKusick, and the Senate refused, by a vote as follows:

AYES—Messrs. Bartlett, Crane, DeHaven, Edgerton, Fraser, Goodale, Hendricks, Irwin, Martin, McKusick, Neff, O'Connor, Perkins, Spencer, and Turner—15.

NOES—Messrs. Andross, Beck, Boggs, Duffy, Eakin, Evans, Farley, Graves, Hopkins, Kent, Keys, Laine, Lindsey, McCoy, McCune, McMurry, Pendegast, Roach, and Tuttle—19.

Mr. McMurry submitted reports, as follows:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 159—An Act to fix the salaries of certain officers in the County of Alameda, and for other purposes;

Also, Senate Bill No. 317—An Act amendatory of and supplemental to an Act to regulate fees of officers in Siskiyou County, approved March twelfth, eighteen hundred and seventy;

Also, Senate Bill No. 336—An Act concerning the office of Treasurer of Sierra County;

Also, Senate Bill No. 325—An Act to fix the salary of the County Clerk of Trinity County;

And have presented the same to the Governor, for his approval, this day, at one o'clock and forty-five minutes P. M.

McMURRY, Chairman.

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Substitute for Senate Bill No. 145—An Act concerning the officers of the County of Sacramento, defining their duties and fixing their compensation—and have presented the same to the Governor, for his approval, this day, at four o'clock and thirty minutes P. M.

McMURRY, Chairman.

#### BILL INTRODUCED.

Mr. Roach, by leave, introduced a bill as follows:

An Act to authorize the settlement of the claim of George K. Porter against the State of California, arising out of State Prison matters.

Read first and second times, and referred to the Committee on Claims.

#### REPORT.

Mr. Irwin, for Mr. Tuttle, submitted a report, as follows:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 339—An Act to provide for the appointment of an additional Notary Public for the County of Los Angeles.

Also, Senate Bill No. 247—An Act to amend section two thousand and seventy-three of the Political Code.

Also, Senate Bill No. 335—An Act fixing the compensation of the School Superintendent of the County of Stanislaus.

Also, Senate Bill No. 105—An Act to add to the end of Chapter One, Title One, of Part Three of the Penal Code, two sections, to be numbered fifteen hundred and eighty-seven and fifteen hundred and eighty-eight, providing temporary support for discharged convicts.

Also, Senate Bill No. 198—An Act to amend section thirty-four hundred and ninety-five of the Political Code.

Also, Senate Bill No. 268—An Act to repeal an Act entitled an Act

concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two.

TUTTLE, for the Committee.

At four o'clock and thirty-five minutes P. M., on motion of Mr. Duffy, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Saturday, February 28th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Messrs. Gibbons and Boggs were granted leave of absence for three days.

## COMMITTEE OF CONFERENCE.

On motion of Mr. Neff, the rules were suspended, and the Chair authorized to appoint a Committee of Conference in reference to the disagreeing vote on Assembly Bill No. 186.

## REPORTS.

Reports were submitted as follows:

By Mr. Goodale:

MR. PRESIDENT: The Committee on Public Morals have had under consideration Assembly Bill No. 163—An Act for the more effectual prevention of cruelty to animals—and report the same back without recommendation.

GOODALE, Chairman.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 329—An Act to establish a public road along the boundary line between the Counties of Yolo and Colusa;

Also, Senate Bill No. 343—An Act to reorganize the Supervisor Districts of the County of Monterey;

And have presented the same to the Governor for his approval, this day, at ten o'clock and fifteen minutes A. M.

McMURRY, Chairman.



By Mr. Hendricks:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 357—An Act supplemental to an Act to reorganize the Board of Supervisors of Napa County, approved February twenty-fifth, eighteen hundred and seventy-four.

Also, Senate Bill No. 107—An Act in relation to homesteads.

HENDRICKS, for Committee.

By Mr. Laine:

Mr. PRESIDENT: The Committee on the Judiciary have had under consideration Assembly Bill No. 75—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county—and report the same back, with the recommendation, from a majority of the committee, that it pass.

Also, Assembly Bill No. 124—An Act to allow the San Diego and Arizona Mining Company to change its principal place of business from San Diego to the City and County of St. Louis, State of Missouri—and report the same back, and recommend its passage.

Also, Senate Bill No. 274—An Act in relation to the revision of the laws—and report the same back, with a recommendation, from a majority of the committee, that it pass.

Also, Assembly Bill No. 136—An Act to amend the Political Code of the State of California—and report the same back, with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 308—An Act to amend an Act entitled an Act to establish a Code of Civil Procedure—and report the same back, and recommend its passage.

Also, Senate Bill No. 300—An Act to amend section thirteen hundred and twenty-nine of the Penal Code—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 303—An Act to compel the collection of agricultural statistics—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 340—An Act concerning the fees of the Sheriff of the County of Los Angeles—and report the same back, and recommend that it do not pass.

Also, Substitute for Assembly Bill No. 5—An Act to amend the Penal Code, by adding two new sections, to be designated sections two hundred and nine and two hundred and ten—and report the same back, and recommend that it do not pass.

LAINE, for Committee.

By Mr. Eakin:

Mr. PRESIDENT: The Tuolumne delegation, to whom was referred Senate Bill No. 327—An Act regulating township offices in Tuolumne County—beg leave to report the same back, and recommend its passage.

EAKIN, for Delegation.

By Mr. Duffy:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Senate Bill No. 356—An Act granting the right to construct a wagon road in San Diego County—have had the same under consideration, now report the bill back, with an amendment, and recommend the passage of the bill as amended.

DUFFY, for Committee.

By Mr. McCune:

MR. PRESIDENT: Your committee to whom was referred Assembly Bill No. 372—An Act to protect agriculture, and to prevent the trespassing of animals upon private property, in the County of Yolo—report the same back, and recommend its passage.

H. E. McCUNE, Chairman.

By Mr. Goodale:

Minority report of the Joint State Prison Committee, in relation to the establishment of a Branch Prison.

*To the honorable Senate and Assembly of the State of California:*

MR. PRESIDENT: We have the honor to present our report, in relation to the question of the establishment of a Branch State Prison, and the location of the same, at or near Folsom. From our observation and inspection of the prison and prison grounds at San Quentin, and our knowledge, obtained by inspection, by common report, by the testimony of physicians, and others, of the surroundings, sanitary and otherwise, of the proposed site for a Branch Prison, at or near Folsom, we cannot concur with the majority of this committee as to the necessity of a Branch Prison, nor as to the adaptability of Folsom for the site of the same. We, therefore, do not concur in the majority report, and, in verification of the same, call attention to the following facts:

We believe that the first question to be determined, in the location of any public building, should be, is the climate a healthy one, or is it unhealthy? The proposed location for a Branch Prison, near Folsom, we believe to be unhealthy; that malarial diseases do exist there, and have existed there, to a greater or less extent, since the settlement of the country. This condition of climate—being extremely hot from June till October, together with different types of malarial fevers—ought to be sufficient reason why a Branch Prison should not be located or built there.

We believe there is no necessity of building a Branch Prison at Folsom—a measure which would incur a far greater expense to the State, in erecting the prison buildings there, than would be incurred in building a Reformatory at San Quentin. A Branch Prison at Folsom would, of necessity, have to be built by free labor, while a Reformatory Prison, at San Quentin, could all be built with prison labor; and the present prison would be used to confine the convicts while building it, thereby saving a great expense. With two prisons, widely separated, it would require two sets of officers and guards to manage the respective institutions; consequently, the cost of management would be greatly increased, if not doubled; but this is not all, the extra expense for transportation of convicts, and mileage of the officers in charge, would be additionally expensive, from the fact that over one third of the convicts

are sent from San Francisco, which is only twelve miles from San Quentin. There are but three States in the Union that have Branch Prisons, and those are not self-sustaining.

If this Branch Prison was built on the proposed site near Folsom, and the convicts were employed in the quarries, it would not obviate the present objections raised by the Associated Mechanics—that prison labor should not compete with free labor. Scarcely any occupation can be adopted without competition from some source, and the stonecutters, quarrymen, masons, and builders, would have just as much cause for complaint hereafter, as the mechanics of San Francisco, and throughout the State, have at present in the manufacture of furniture, saddlery, shoes, etc., now carried on at San Quentin. We hold that the primary aim of punishment for crime should be the reformation of the prisoner, and that the question of competition with free industry should have little weight in determining the question of prison reform. What we want, and fully indorse, is the establishment of a Reformatory Prison at San Quentin, in addition to the one already there, to be managed by one set of officers, wherein the convicts will be taught useful occupations to themselves, and be remunerative to the State, if possible; and, during their confinement, undergo a system of reform which will fit them, when discharged from prison, to become useful citizens.

The location and climate of San Quentin, we believe, would answer all the requirements called for in the extending of prison accommodations, and also, in the building of a Reformatory. The climate is temperate and healthy, and the location central, and accessible to all parts of the State. The record of the number of cases of sickness, at the San Quentin Prison, will compare favorably with any, and far above most institutions of a similar character, in the United States, notwithstanding the great want of more sleeping apartments, which, in a great part, must be attributed to a healthy climate.

DAVID GOODALE,  
J. J. DEHAVEN,  
B. F. TUTTLE,  
Senate Committee.

THOMAS J. ABLES,  
J. F. COWDERY,  
J. D. BYERS,  
Assembly Committee.

The report was ordered printed.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
February 27th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 240—An Act to authorize the County Treasurer of Napa County to pay certain warrants drawn by the Auditor of Napa County, out of the General Road Fund of said county.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 27th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-sixth instant, under a suspension of the rules, passed Senate Bill No. 343—An Act to reorganize the Supervisor Districts of the County of Monterey.

Also, passed Senate Bill No. 6—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 67—An Act to amend sections seventeen, twelve hundred and five, and fourteen hundred and forty six of the Penal Code.

Also, passed Senate Joint Resolution No. 17—relative to restoring the odd sections, reserved for the Atlantic and Pacific Railroad, in the Counties of San Luis Obispo, Monterey, Santa Cruz, Santa Clara, San Mateo, and San Francisco, to preëmption and homestead entry.

Also, passed Senate Concurrent Resolution No. 45—relative to the mail route from Shasta City, Shasta County, to Lake City, in Siskiyou County.

Also, passed Senate Concurrent Resolution No. 25—on Chinese immigration and the Burlingame Treaty.

And refused to pass Senate Bill No. 84—An Act to amend section seven hundred and ninety-nine of the Political Code, in regard to bonds of Notaries Public.

Also, adopted Assembly Concurrent Resolution No. 47—to furnish the "California Immigrant Union" with official reports.

Also, on to-day, passed, under a suspension of the rules, Assembly Concurrent Resolution No. 48—asking for the establishing of a light-house and fog bell on Yerba Buena Island.

BRUMSEY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Concurrent Resolution No. 47, above reported, amended, and adopted.

Assembly Concurrent Resolution No. 48, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

#### APPOINTMENT OF COMMITTEES OF CONFERENCE.

The Chair appointed as the Senate Committee of Conference, on Assembly Bill No. 241, Messrs. Tuttle and McKusick; and on Assembly Bill No. 186, Messrs. McMurry and McCune.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Edgerton offered a concurrent resolution, as follows:

*Resolved by the Senate, the Assembly concurring, That the Governor be and he is hereby requested to return to the Senate Enrolled Senate Bill No. 191, for the purpose of correcting a clerical error.*

Adopted.



## GENERAL FILE.

Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

On motion of Mr. Perkins, ordered to the top of the General File for Tuesday next, the third of March.

Senate Bill No. 158—An Act for the relief of John Hoagland and others.

Passed on file.

Senate Bill No. 147—An Act to provide for the sale of certain property belonging to the State.

Considered in Committee of the Whole.

In Senate, reported without amendment; amended on motion of Mr. Keys.

Section three, amended on motion of Mr. McKusick.

Mr. McKusick moved to amend section three further, as follows: "And, provided further, that the said property shall not be sold for a less sum than its cost to the State."

Lost.

On the engrossment of the bill the ayes and noes were demanded by Messrs. Keys, Goodale, and Bush, and it was ordered engrossed, by a vote as follows:

AYES—Messrs. Beck, Bush, DeHaven, Dyer, Evans, Finney, Goodale, Graves, Irwin, Keys, Laine, Martin, McCune, McKusick, O'Connor, Turner, and Tuttle—17.

NOES—Messrs. Crane, Duffy, Edgerton, Farley, Hendricks, Hopkins, Kent, McCoy, Neff, Perkins, Roach, and Spencer—12.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 28th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 377—An Act to protect the groves of big trees in the Counties of Fresno, Tulare, and Kern.

Also, on the twentieth instant, passed Assembly Bill No. 394—An Act to incorporate the Town of Hollister.

Also, on yesterday, passed Senate Bill No. 220—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers, in the County of Stanislaus.

Also, passed Senate Bill No. 283—An Act to authorize the Mountain View Cemetery Association to issue bonds.

Also, amended and passed Senate Bill No. 279—An Act to amend an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 266—An Act concerning the quarterly meetings of the Board of Supervisors of Nevada County.

Also, passed Senate Bill No. 192—An Act to provide for the location, construction, and maintenance of public roads in the County of Tulare.

Also, passed Senate Bill No. 310—An Act to fix the fees of the County Surveyor of Sonoma County.

Also, passed Senate Bill No. 294—An Act to authorize the Board of Supervisors of Merced County to sell and convey the Court House block, and buildings thereon, in the Town of Snelling.

And indefinitely postponed Substitute for Senate Bill No. 121—An Act to repeal an Act concerning roads and highways in Tuolumne County.

BRUMSEY,  
Assistant Clerk.

[Mr. Tuttle in the chair.]

Senate Bill No. 279, above reported, with Assembly amendments.

Mr. Crane moved to postpone the consideration of the amendments until Monday, and to make the same a special order for two o'clock and thirty minutes P. M., on that day.

At one o'clock P. M., on motion of Mr. Irwin, the hour of recess was postponed.

The motion of Mr. Crane prevailed.

Assembly Bill No. 377, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly Bill No. 394, above reported, read first and second times, and referred to the Judiciary Committee.

Mr. Evans, by leave, introduced a bill, as follows: An Act to amend section three hundred and thirty-nine of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 28th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 458—An Act providing for the keeping of more complete records in the County of Santa Clara, and prescribing the duties of certain officers in relation thereto—and ordered the same transmitted, without engrossment.

Also, adopted Senate Concurrent Resolution No. 51—requesting the Governor to return Senate Bill No. 191.

JOHN WEBBER,  
Assistant Clerk.

Assembly Bill No. 458, above reported, read first and second times, rules suspended, and, by unanimous consent, read third time and passed.

On motion of Mr. McMurtry, the rules were suspended to take up Assembly Bill No. 353—An Act to regulate the fees of the County Recorder of Santa Clara County.

Read third time, and passed.

Mr. Spencer, by leave, made a report as follows:

MR. PRESIDENT: The Sutter delegation, to whom was referred Assembly Bill No. 343—entitled an Act to repeal an Act concerning roads

and highways in the County of Sutter, approved March twenty-ninth, eighteen hundred and seventy—having had the same under consideration, beg leave to report it back, and recommend its passage.

SPENCER, for Delegation.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and found correctly engrossed Senate Bill No. 264—An Act relating to mutual beneficial and relief associations.

TUTTLE, for Committee.

At one o'clock and twenty-seven minutes P. M., on motion of Mr. Evans, the Senate adjourned until two o'clock and thirty minutes P. M., on Monday, the second day of March.

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## IN SENATE.

SENATE CHAMBER,  
Monday, March 2d, 1874. }

Senate met pursuant to adjournment.  
President pro tem. in the chair.  
Roll called, and quorum present.  
Prayer by the Chaplain.  
Journal of Saturday read and approved.

## SPECIAL ORDER.

Concurring in Assembly amendment to Senate Bill No. 279—An Act to amend an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

On motion of Mr. Crane, the Senate concurred in the Assembly amendment to the bill.

## MESSAGES FROM THE ASSEMBLY.

On motion of Mr. Bartlett the rules were suspended, and the following Assembly messages were taken up:

ASSEMBLY CHAMBER,  
February 28th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-seventh instant, passed Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 2d, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-eight ultimo, passed Senate Bill No. 273—An Act to amend section two of an Act entitled an Act to amend section one of an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved February twenty-ninth, eighteen hundred and sixty-eight, and to provide for the payment thereof, approved March twenty-fifth, eighteen hundred and seventy.

Also, passed Senate Bill No. 231—An Act to provide for the establishment of a public library in the City of Los Angeles.

Also, passed Senate Bill No. 211—An Act for the protection of settlers on public lands claimed by the State.

Also, adopted Senate Concurrent Resolution No. 39—asking Congress to establish a mail route in Sonoma County, and Post Office at Donahue, in said county.

Also, passed Senate Bill No. 186—An Act to quiet title to certain lands in Napa and Solano Counties.

And refused to concur in Senate amendments to Assembly Bill No. 201—An Act concerning lands situate within and belonging to the City and County of San Francisco.

And on the twentieth ultimo, passed Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes.

And on the twenty-eighth, appointed as Committee of Conference on the part of the House on Assembly Bill No. 186—An Act to amend section two hundred and fifty-five of the Political Code—Messrs. Williams, Meyers, and Cowdery.

And appointed Messrs. Dixon, Morgan, and Hill Committee of Conference on Assembly Bill No. 241—An Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma.

Also, on this day, adopted Senate Concurrent Resolution No. 43—asking Congress to declare the meaning of the joint resolution of June twenty-eighth, eighteen hundred and seventy, in reference to the reserves for a land grant to the Southern Pacific Railroad Company of California, and to restore certain lands to the public domain.

Also, passed Senate Bill No. 140—An Act granting additional powers to the Loan Commissioners, constituted by an Act approved April second, eighteen hundred and seventy.

Also, amended and passed Senate Bill No. 137—An Act to amend section thirty-three hundred and eighty-two of the Political Code.

Also, refused to pass Senate Bill No. 248—An Act granting leave of absence to Abraham Powell, Surveyor of the First Supervisor District of the County of Solano.

Also, passed Senate Bill No. 277—An Act to amend section four hundred and sixty-six of the Penal Code.

Also, under a suspension of the rules, passed and ordered transmitted without engrossment, Assembly Concurrent Resolution No. 49—providing for the relinquishment of a portion of the Presidio Reservation for a public park, to the City and County of San Francisco.

JOHN WEBBER,  
Assistant Clerk.



## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 96, above reported, appearing with amendments attached, on motion of Mr. Tuttle, it was ordered returned to the Assembly for reëngrossment, the history of the bill showing this to have been the order of the Assembly.

Assembly Bill No. 143, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Concurrent Resolution No. 49, above reported, read first and second times, and, by unanimous consent, read third time, and adopted.

Senate Bill No. 137, above reported. The Assembly amendments to the bill were concurred in.

Assembly Bill No. 201, above reported. The Senate refused to recede from its substitute for the bill, and, on motion of Mr. Bartlett, the rules were suspended and the Chair authorized to appoint a Committee of Conference. The Chair appointed Messrs. Bartlett, Pendegast, and De Haven as the Senate committee.

## REPORTS.

Reports were submitted as follows:

By Mr. Tuttle:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 311—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes.

Also, Senate Bill No. 130—An Act to amend the Political Code, and other matters concerning military affairs.

TUTTLE, for the Committee.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 6—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two;

Also, Assembly Bill No. 67—An Act to amend sections seventeen, twelve hundred and five, and fourteen hundred and forty-six of the Penal Code;

Also, Senate Bill No. 240—An Act to legalize certain warrants drawn on the Treasury of Napa County, and to pay certain claims against said county;

Also, Senate Bill No. 310—An Act to fix the fees of the County Surveyor of Sonoma County;

Also, Senate Concurrent Resolution No. 25—relative to Chinese immigration;

Also, Senate Joint Resolution No. 45—relative to the mail route from Shasta City, Shasta County, to Lake City, in Siskiyou County;

And have presented the same to the Governor for his approval, this day, at two o'clock and thirty minutes P. M.

McMURRY, Chairman.

By Mr. Graves:

Mr. PRESIDENT: The Committee on Federal Relations have had under consideration Senate Joint Resolution No. 6—to cheapen telegraphic communication—and report it back without recommendation.

Also, Senate Joint Resolution No. 50—concerning the improvement of the harbor at Oakland—and report the same back, and recommend its passage.

Also, a message from his Excellency the Governor, transmitting a communication from the Secretary of the Treasury of the United States, concerning submarine sites for lighthouses, and other aids to navigation, and have drafted a bill, which is herewith reported, designed to carry out the object intended, and to enable the United States to acquire whatever title there may be in the State to land within its limits covered by the navigable waters of the United States, for those purposes, and recommend its passage.

GRAVES, Chairman.

By Mr. Goodale:

Mr. PRESIDENT: The delegation from Marin County have had under consideration Assembly Bill No. 393—An Act in relation to public schools in Marin county, and report the same back, and recommend its passage.

GOODALE, for Delegation.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 28th, 1874. }

*To the Senate of the State of California:*

In accordance with the desire of the Representatives of the County of Los Angeles, I herewith return to your honorable body, without my approval, Senate Bill No. 72.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 28th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 222—An Act to amend an Act entitled an Act to provide for the manner of auditing claims against the County of Humboldt, and to provide for the reduction of taxation thereon and expenses thereof, approved April first, eighteen hundred and seventy.

Also, Senate Bill No. 255—An Act to repeal an Act to provide for the maintaining of public roads and trails in the County of Sierra, approved February ninth, eighteen hundred and sixty-six.

Also, Senate Bill No. 82—An Act to incorporate the City of Visalia, and provide for public schools therein.

Also, Senate Bill No. 325—An Act to fix the salary of the County Clerk of Trinity County.

Also, Senate Bill No. 336—An Act concerning the office of Treasurer of Sierra County.

Also, Senate Bill No. 159—An Act to fix the salaries of certain officers in the County of Alameda, and for other purposes.

Also, Senate Bill No. 317—An Act supplemental to an Act to regulate fees of office and salaries of officers in Siskiyou County, approved March twelfth, eighteen hundred and seventy.

NEWTON BOOTH,  
Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Graves, for the Committee on Federal Relations—An Act concerning submarine sites for lighthouses, and other aids to navigation, on the coast of this State.

Read first and second times, laid on the table, and ordered printed.

By Mr. Pendegast—An Act to provide for the election of a District Assessor, and a District Collector, for Ukiah School District, in the County of Mendocino.

Read first and second times, and ordered on file.

By Mr. Beck—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers, and other wild animals, in the County of Monterey.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time, and passed.

By Mr. Graves—An Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara.

Read first and second times, and ordered on the General File.

Also, an Act to amend an Act known as the Code of Civil Procedure of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Evans (by request)—An Act to create a Railroad Police, and defining its duties.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Tuttle—An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

Read first and second times, and, with a petition, referred to the Sonoma County delegation.

By Mr. Bush—An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the City of Los Angeles to build and establish a County Almshouse and Hospital thereon, and to issue bonds for the payment of the same.

Read first and second times, and ordered on the General File.

By Mr. Turner—An Act to add a new section to the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. O'Connor (by request)—An Act to provide for the assessment of railroad property within the State of California.

Read first and second times, and referred to the Judiciary Committee.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Crane offered a resolution, as follows:

*Resolved by the Senate, the Assembly concurring,* That the Enrolling Clerk of the Senate be instructed to enroll Senate Bill No. 279 out of its order.

Adopted.

## GENERAL FILE.

Senate Bill No. 219—An Act to indemnify bona fide settlers on the Yosemite Grant.

Mr. Pendegast moved to recommit the bill to its author, with special instructions to amend section two, by adding after the word "respective" the words "rights and;" and also, to substitute a new section for section four of the bill.

Mr. Tuttle moved to amend the instructions, by striking out the words "right and," on which the ayes and noes were demanded by Messrs. Pendegast, Edgerton, and Finney, and the Senate refused, by a vote as follows:

AYES—Messrs. Bartlett, Bush, Dyer, Lindsey, Martin, McCune, McMurry, O'Connor, and Tuttle—9.

NOES—Messrs. Andross, Beck, Crane, DeHaven, Duffy, Eakin, Edgerton, Evans, Farley, Finney, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, McCoy, McKusick, Neff, Pendegast, Perkins, Roach, Spencer, and Turner--25.

On recommitting the bill with special instructions, the ayes and noes were demanded by Messrs. Tuttle, Pendegast, and Kent, and the motion to recommit prevailed, by a vote as follows:

AYES—Messrs. Andross, Beck, Crane, DeHaven, Duffy, Eakin, Edgerton, Evans, Farley, Finney, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Martin, McCoy, McKusick, Neff, Pendegast, Roach, Spencer, and Turner—25.

NOES—Messrs. Bartlett, Bush, Dyer, Fraser, Lindsey, McCune, McMurry, O'Connor, Perkins, and Tuttle—10.

[Mr. Pendegast in the chair.]

Senate Bill No. 52—An Act to amend section four hundred and nineteen, and to add certain new sections to the Civil Code.

On motion of Mr. Edgerton, the vote whereby the bill was ordered engrossed was reconsidered, and the bill recommitted to the Committee on Corporations, with instructions to report the same to-morrow morning.

## REPORT.

Mr. Keys, by leave, submitted a report, as follows:

Mr. PRESIDENT: The author, to whom was referred Senate Bill No. 219—An Act to indemnify bona fide settlers on the Yosemite Grant—



reports the same back, with the amendments, as instructed, and recommends the adoption of the amendments, and passage of the bill.

KEYS,  
Author of Senate Bill No. 219.

The report was adopted.

Mr. Tuttle moved to place the bill at the head of the General File for to-morrow.

Lost.

Bill read third time, and on the passage of the bill the ayes and noes were demanded by Messrs. O'Connor, Dyer, and Eakin, and it passed, by the following vote:

AYES—Messrs. Andross, Beck, Crane, DeHaven, Duffy, Eakin, Edgerton, Evans, Farley, Finney, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Martin, McCoy, Neff, Pendegast, Roach, Spencer, and Turner—24.

NOES—Messrs. Bartlett, Bush, Dyer, Fraser, Lindsey, McCune, McMurry, O'Connor, Perkins, and Tuttle—10.

On motion of Mr. Evans, the rules were suspended, and the bill ordered engrossed, out of its order.

On motion of Mr. Lindsey, the rules were suspended to take up Assembly Bill No. 145—An Act to provide for the collection of certain unpaid taxes in Fresno County.

Read third time, and passed.

Senate Bill No. 236—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and add a new section, to be known as section four thousand and forty-seven.

Read third time, and passed.

At five o'clock and six minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 3d, 1874. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITION.

The President presented a report and petition of the Managers of the San Francisco Protestant Orphan Asylum.

Received, and referred to the Committee on Finance.

## REPORTS.

Reports were submitted as follows:

By Mr. Perkins:

Mr. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 306—An Act for the relief of W. W. Brown, administrator of the estate of E. L. Brown, deceased—have had the same under consideration, and respectfully report: The object of the bill is to authorize the payment by the State of a claim of eighteen hundred dollars for rent of a room in the City of Sacramento, which was used as a Court-room for the Court of the First Instance from January ninth, eighteen hundred and fifty, to April tenth, eighteen hundred and fifty, and the interest which has accrued on said claim at ten per cent per annum, forty-two hundred dollars—amounting together to six thousand dollars. The original amount of the claim (eighteen hundred dollars), we learn from the testimony, was demanded of the Judge of the Court of First Instance at the time, but for some reason, not stated, was not paid. In August, eighteen hundred and fifty-five, it was presented to the Board of Supervisors of Sacramento County, but rejected. In eighteen hundred and fifty-eight a bill was presented to the Legislature authorizing its payment by the State, but it was reported against by a committee, and failed to pass. Last year the claim was presented to the State Board of Examiners, but not allowed. It is, therefore, again presented to the Legislature.

## THE COURT OF FIRST INSTANCE.

Under Mexican law, the Court of First Instance was one of the Courts of California at the time of the acquisition of the Territory by the United States. In June, eighteen hundred and forty-nine, General Riley, the acting Civil Governor, in the absence of action by Congress, felt it his duty to reorganize the Civil Government, and for that purpose issued a proclamation, bearing date the third day of June, A. D. eighteen hundred and forty-nine. From this proclamation we extract the following:

“As Congress has failed to organize a new Territorial Government, it becomes our imperative duty to take some active measures to provide for the existing wants of the country. This, it is thought, may be best accomplished by putting in full vigor the administration of the laws as they now exist, and completing the organization of the Civil Government by the election and appointment of all officers recognized by law. While at the same time a Convention, in which all parts of the Territory are represented, shall meet and frame a State Constitution, or a Territorial organization, to be submitted to the people for their ratification, and then proposed to Congress for its approval, considerable time will necessarily elapse before any new Government can be legitimately organized and put in operation, in the interim the existing government, if its organization be completed, will be found sufficient for all temporary wants.

“A brief summary of the organization of the present government may not be uninteresting. It consists: First, of a Governor, appointed by the Supreme Government; in default of such appointment, the office is temporarily vested in the commanding military officer of the Depart-

ment. The powers and duties of the Governor are of a limited character, but fully defined and pointed out by the laws. Second—A Secretary, whose duties and powers are also properly defined. Third—A Territorial or Departmental Legislature, with limited powers, to pass laws of a local character. Fourth—A Superior Court (*Tribunal Superior*) of the Territory, consisting of four Judges and a Fiscal. Fifth—A Prefect and Sub-Prefects, for each district, who are charged with the preservation of public order and the execution of the laws; their duties correspond in a great measure with those of District Marshals and Sheriffs. Sixth—A Judge of First Instance for each district. This office is, by a custom not inconsistent with the laws, vested in the First Alcalde of the district. Seventh—Alcaldes, who have concurrent jurisdiction among themselves in the same district, but are subordinate to the higher judicial tribunals. Eighth—Local Justices of the Peace. Ninth—*Ayuntamientos*, or Town Councils. The powers and functions of all these officers are fully defined in the laws of this country, and are almost identical with those of the corresponding officers in the Atlantic and Western States.

"In order to complete this organization, with the least possible delay, the undersigned, in virtue of the powers in him vested, does hereby appoint the first of August next as the day for holding a special election for delegates to a General Convention, and for filling the offices of Judges of the Superior Court, Prefects and Sub-Prefects, and all vacancies in the offices of First Alcalde (or Judge of First Instance), Alcaldes, Justices of the Peace, and Town Councils. \* \* \* The salaries of the Judges of the Superior Court, the Prefects, and Judges of First Instance, are regulated by the Governor, but cannot exceed, for the first, four thousand dollars per annum; for the second, twenty-five hundred dollars; and for the third, fifteen hundred dollars. These salaries will be paid out of the Civil Fund, which has been formed from the proceeds of the customs, provided no instructions to the contrary are received from Washington. \* \* \* All local Alcaldes, Justices of the Peace, and members of Town Councils, elected at the special election, will continue in office till the first of January, eighteen hundred and fifty, when their places will be supplied by the persons who may be elected at the regular annual election." (Rep. of the Debates of the Convention of California, etc., p. 2.)

With regard to the "Civil Fund," out of which salaries were to be paid, Governor Riley, in a letter to Colonel Hooker, under date of August thirtieth, eighteen hundred and forty-nine, remarks as follows: "On assuming command in this country as Civil Governor I was directed to receive from Governor Mason all his instructions and communications, and to take them for my guidance in the administration of civil affairs. Upon an examination of these instructions, and a full consultation with Governor Mason, I determined to continue the collection of the revenue till the General Government should assume that power, and to add the proceeds to the 'Civil Fund'—using that Fund for the necessary expenses of the Civil Government. Indeed, I had no other course left for me to pursue. This Fund formed my only means of defraying the expenses of the Government, which were already great. These expenses are daily increasing; and as I have no power to impose taxes in this country, I cannot carry on the Government without the moneys belonging to this 'Civil Fund.' Under existing circumstances, the necessity of employing civil officers, and paying them the full salaries allowed by law, is too obvious to require comment. I have



pledged myself to pay these salaries from that Fund, unless forbidden to do so by direct orders from Washington; and I shall redeem my pledge. This 'Civil Fund' was commenced in the early part of eighteen hundred and forty-seven, and has been formed and used in the manner pointed out in the early instructions to the Governor of this Territory. The money has been collected and disbursed by the 'Governor of California,' and by those appointed by him, in virtue of his office. He is, therefore, the person responsible for the money, both to the Government and the parties from which it was collected; and it can be expended only on his orders. \* \* \* The increased expenditures for the support of the Civil Government, as it is now organized, and the pressing necessity of constructing prisons for the security of civil prisoners, will soon render this restoration absolutely essential, in order to carry on the Government, especially as the transfer of the Custom Houses to the regular Collectors appointed by the General Government will now cut off all further means of supplying the civil treasury." (See Appendix to Debates in the Constitutional Convention.)

At the election held August first, eighteen hundred and forty-nine, James S. Thomas was elected Judge of the Court of First Instance for the District of Sacramento, which was bounded, as appears from the proclamation before referred to, "on the north and west by the Sacramento River, on the east by the Sierra Nevada, and on the south by the Cosumnes River." He continued to exercise the duties of the office until he succeeded himself as a District Judge under the State Government, in April, eighteen hundred and fifty.

The Constitution having been adopted by a vote of the people at an election held on the thirteenth of November, eighteen hundred and forty-nine, the Legislature assembled at San José, December fifteenth, eighteen hundred and forty-nine, and General Riley surrendered his powers to the new State December twentieth, eighteen hundred and forty-nine. Although California assumed to exercise all the rights of sovereignty from the assembling of the Legislature, yet the State was not admitted into the Union by Congress until September ninth, eighteen hundred and fifty.

By the second section of an Act of the Legislature, approved February twenty-eight, eighteen hundred and fifty (Laws 1850, p. 77), the Courts of First Instance were recognized in the following words: "The Courts of First Instance, heretofore established and now acting as such, are recognized as existing Courts of this State, and they shall continue to possess the jurisdiction and exercise the powers conferred on them by law until they shall be superseded as hereinafter provided." The law subsequently provided that they should go out of existence upon the organization of the State District Courts, which took place in most of the districts in April, eighteen hundred and fifty.

By virtue of this law the claimants contend the State became liable for the rent of the Court-room of this Court. Your committee do not agree with him in this view. Even under the laws of Mexico the several localities were required to furnish rooms for Alcaldes and other local officers, while the proclamation of Governor Riley, to which we have referred, even when fixing and providing for the salary of the Judge of First Instance, is entirely silent on the subject of Court-rooms. And at no time has the State of California assumed to supply rooms for even District Courts. As the fees of the different Territorial Courts



and legal officers, including all Alcades, Justices of the Peace, Sheriffs, Constables, etc., were fixed by the Judges of the Superior Court, it is fair to presume the Judges supplied their own Court-rooms, or at least paid for them from the receipts of the offices. It was also stated to us that this Court had previously been held in a private law office in Sacramento; besides, every one acquainted with the history of these Courts in all parts of the State is aware that they were administered very much, if not altogether, in the interest of the officers. Few books were in the country, and not over-much law, and as to fees, each Court, we believe, contrary to the law, assumed to fix its own; and we are not aware that a dollar was ever paid over to Governor Riley, or to the State after its organization. It was no uncommon thing for these Judges in those days to take possession of and hold all kinds of property of deceased persons; to issue certificates of naturalization, and even to issue licenses to foreigners to work in the mines, charging for each enormous fees. The Judiciary Committee of the Senate, under date of January thirty-first, eighteen hundred and fifty, on this subject remark: "Your committee are aware that great injustice and abuses are being practiced by the Courts that pretend to have jurisdiction in all civil and criminal cases throughout the State, and that these abuses and injustices arise, not so much from malice or wickedness, as from ignorance of the principles and forms of the laws prevailing under the rule of Mexico."

The first Legislature, acting upon the suggestion of this report, enacted a law (see Laws 1850, p. —) making it the duty of Alcaldes and Judges of First Instance, to render a full, true, and correct account of all fines, forfeitures, unclaimed money, or other property of deceased persons, unclaimed witness fees, and jurors' fees, and all other moneys paid to or collected by them as fees, Court costs or charges, and all other moneys or property received or taken possession of by them in the exercise of their official power, together with a statement of the amounts disbursed by them, as well for salaries as for other purposes, with the view of returning to the parties from whom it had been received, all amounts which it appeared had been taken from them illegally. But we believe this law remained a dead letter upon the statute book. We doubt if a dollar was ever paid to the State Treasurer under it, as contemplated.

On considering the whole subject, the committee are of opinion that the claim should not be paid by the State, and therefore recommend that the bill do not pass.

Also, have considered Senate Bill No. 253—An Act for the relief of Catharine Connolly—and respectfully report the bill back, with the recommendation that it pass.

PERKINS, Chairman.

On motion of Mr. Perkins, the report was ordered printed.  
By Mr. Beck:

MR. PRESIDENT: The Committee on Engrossment have examined, and find correctly engrossed, Senate Bill No. 147—An Act to provide for the sale of certain property belonging to the State.

BECK, for Committee.

By Mr. Farley:

Mr. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 348—An Act to amend an Act entitled an Act to incorporate the Town of Colusa, approved April fourth, eighteen hundred and seventy—have had the same under consideration, and herewith report the bill back, and recommend its passage.

Also, Substitute for Assembly Bill No. 260—An Act granting the right of way to the Sierra Iron Company—and report the same back, and recommend its passage.

Also, Senate Bill No. 52—An Act to amend section four hundred and nineteen, and to add certain new sections to the Civil Code—and report the same back, with an amendment, and respectfully recommend the adoption of the amendment and the passage of the bill as amended.

FARLEY, Chairman.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 2d, 1874. }

*To the Senate of the State of California:*

In accordance with concurrent resolution of the twenty-eighth of February, I herewith return, for correction of clerical errors, Senate Bill No. 191.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 28th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 184—An Act to establish the boundaries of the City of Sacramento.

Also, Senate Bill No. 134—An Act to repeal an Act entitled an Act to make an Act herein named applicable to the County of San Bernardino.

Also, Senate Bill No. 145—An Act to regulate the fees of office and to fix the compensation of the county officers in the County of Sacramento.

Also, Senate Bill No. 243—An Act to reorganize the Supervisorial Districts in the County of Monterey.

Also, Senate Bill No. 329—An Act to establish a public road along the boundary line between the Counties of Yolo and Colusa.

Also, Senate Bill No. 96—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, Senate Bill No. 153—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico, Butte

County, California, approved January eighth, eighteen hundred and seventy-two.

Also, Senate Bill No. 246—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March second, eighteen hundred and seventy-two.

NEWTON BOOTH,  
Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to exempt from execution water rights used for irrigating homesteads.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McKusick—An Act relative to publishing the statutes of eighteen hundred and seventy-three-seventy-four.

Read first and second times, and referred to the Committee on Public Printing.

By Mr. Graves—An Act for the relief of David C. Norcross, Sheriff of San Luis Obispo.

Read first and second times, and referred to the Committee on State and County Revenue.

Also, an Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Hopkins—An Act to enforce the collection of poll taxes in the County of Calaveras.

Read first and second times, and referred to the delegation.

By Mr. Farley—An Act to amend an Act to establish a State Printing Office, and to create the office of Superintendent of State Printing, approved March twenty-sixth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Public Printing.

By Mr. Fraser—An Act to amend section three hundred and ninety-seven of the Penal Code.

Read first and second times, and referred to the Committee on Public Morals.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. Irwin, the rules were suspended to authorize the President to appoint an additional member of the Senate Committee of Conference on Assembly Bill No. 241.

The President appointed Mr. Pendegast, as the additional member of the committee.

#### GENERAL FILE.

Assembly Bill No. 100—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by

the Board of Trustees of the City of San Diego on the twentieth day of June, eighteen hundred and seventy-three.

Amended, read third time, and passed.

Senate Bill No. 162—An Act granting privileges to the North Beach and Mission Railroad Company.

Read third time, and passed.

Senate Bill No. 130—An Act to amend the Political Code, and other matters concerning military affairs.

On motion of Mr. Edgerton, made special order for Thursday, the fifth instant, at two o'clock P. M.

Senate Bill No. 95—An Act to protect bona fide settlers upon public lands.

Ordered to the top of the General File to-morrow.

Senate Bill No. 322—An Act to exempt firemen in Nevada and Siskiyou Counties from the payment of poll taxes.

Read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Irwin, Evans, and Graves, and it passed, by a vote as follows:

AYES—Messrs. Andross, Crane, Duffy, Eakin, Evans, Fraser, Hopkins, Irwin, Kent, Martin, McCoy, McCune, Neff, O'Connor, Perkins, and Roach—16.

NOES—Messrs. Bartlett, Beck, Bush, DeHaven, Farley, Goodale, Graves, Hendricks, Laine, Lindsey, McMurry, Pendegast, and Spencer—13.

Senate Bill No. 81—An Act to amend section thirty-nine hundred and twenty-one of the Political Code.

Read third time, and passed.

Senate Bill No. 314—An Act to amend certain sections and to repeal certain sections of the Political Code.

Read third time, and passed.

Senate Bill No. 239—An Act to amend sections forty-two hundred and thirty-four, forty-two hundred and thirty-five, forty-two hundred and thirty-six, and forty-two hundred and thirty-eight of the Political Code.

Read third time, and passed.

Senate Bill No. 268—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two.

Read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Pendegast, Perkins, and Hendricks, and the Senate refused to pass the same, by a vote as follows:

AYES—Messrs. DeHaven, Eakin, Evans, Farley, Gibbons, Goodale, Graves, Laine, Lindsey, Martin, McCune, O'Connor, Spencer, and Turner—14.

NOES—Messrs. Bartlett, Beck, Bush, Crane, Duffy, Dyer, Fraser, Hendricks, Kent, McCoy, Neff, Pendegast, Perkins, Roach, and Tuttle—15.

Senate Bill No. 247—An Act to amend section four thousand and seventy-three of the Political Code.

Read third time, and passed.



Senate Bill No. 264—An Act relating to mutual beneficial and relief associations.

Read third time, and passed.

Senate Bill No. 259—An Act to amend section three thousand nine hundred and seventy-six, and to repeal certain other sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Pending discussion on the bill under consideration, on motion of Mr. Finney, the special order set for to-day, at one o'clock p. m., Senate Bill No. 18—An Act to enforce the education of children—was postponed, and made special order for Tuesday, the tenth instant, at two o'clock p. m.

At one o'clock p. m., on motion of Mr. Lindsey, the hour of recess was postponed.

Substitute for Senate Bill No. 259 adopted.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Pendegast, Farley, and Tuttle, and the Senate refused to order the bill engrossed, by a vote as follows:

AYES—Messrs. Bush, DeHaven, Finney, Fraser, Goodale, Graves, Laine, Lindsey, McCune, McMurry, Pendegast, and Turner—12.

NOES—Messrs. Andross, Bartlett, Beck, Crane, Duffy, Dyer, Eakin, Evans, Farley, Hendricks, Hopkins, Kent, Keys, Martin, McKusick, Neff, O'Connor, Perkins, Roach, Spencer, and Tuttle—21.

#### REPORT.

By Mr. Tuttle:

MR. PRESIDENT: The Committee of Engrossment have examined and find correctly engrossed, Senate Bill No. 365—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals, in the County of Monterey.

TUTTLE, for Committee.

At one o'clock and eight minutes p. m., the Senate took a recess until two o'clock p. m.

#### REASSEMBLED.

At two o'clock p. m., the Senate reassembled.

The President in the chair.

Roll called, and a quorum present.

#### REPORTS.

Mr. Bartlett submitted a report, as follows:

MR. PRESIDENT: The Joint Committee of Conference, appointed by the Senate and Assembly to consider of the disagreement between the Houses upon the Senate Substitute to Assembly Bill No. 201—An Act concerning certain lands situate within and belonging to the City and County of San Francisco—have met and considered of the matter referred to them, and beg leave to make the following report, viz: That they have agreed to an amendment to said Senate substitute, as follows: to strike out all of section one of the substitute as it passed the Senate, after the word "regulate," on page three, line eight, and insert instead

thereof, the following words: "and manage the same, by ordinance, or otherwise; *provided*, that said city and county shall have no power to donate, sell, or in any manner to alienate said lands, or any part thereof, otherwise than by lease, for a period not to exceed five years;" which amendment, as adopted and agreed upon by said conference committee, they recommend the Senate to adopt, and that the Senate substitute, as amended, do pass.

WASHINGTON BARTLETT,  
W. W. PENDEGAST,  
J. J. DE HAVEN,

On part of Senate.

Report received and adopted.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 266—An Act concerning the quarterly meetings of the Board of Supervisors of Nevada County;

Also, Senate Bill No. 277—An Act to amend section four hundred and sixty-six of the Penal Code;

Also, Senate Bill No. 283—An Act to authorize the Mountain View Cemetery Association to issue bonds;

Also, Senate Bill No. 140—An Act granting additional powers to the Loan Commissioners constituted by an Act approved April second, eighteen hundred and seventy;

Also, Senate Bill No. 294—An Act to authorize the Board of Supervisors of Merced County to sell and convey the Court House block, and buildings thereon, in the Town of Snelling;

Also, Senate Bill No. 279—An Act to amend an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two;

Also, Senate Bill No. 220—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Stanislaus;

Also, Senate Joint Resolution No. 17—relative to restoring the odd sections reserved for the Atlantic and Pacific Railroad in the Counties of San Luis Obispo, Monterey, Santa Cruz, Santa Clara, San Mateo, and San Francisco, to preëmption and homestead entry;

And have presented the same to the Governor, for his approval, this day, at ten o'clock and thirty minutes A. M.

McMURRY, Chairman.

By Mr. Neff:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 219—An Act to indemnify bona fide settlers on the Yosemite Grant.

NEFF, Chairman.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. Roach, Senate Concurrent Resolution No. 6—to cheapen telegraphic communication—was ordered printed.

Mr. Bush gave notice that, on to-morrow, he would move to reconsider the vote whereby the Senate refused to pass Senate Bill No. 263—An Act to repeal an Act entitled an Act concerning actions for libel and

slander, approved March twenty-third, eighteen hundred and seventy-two.

SPECIAL ORDER.

Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

Mr. Pendegast moved to postpone the special order until two o'clock to-morrow.

So ordered.

GENERAL FILE RESUMED.

Senate Bill No. 290—An Act to amend section one hundred and ninety of the Penal Code.

Mr. Duffy offered an amendment, as follows: "*provided*, that the Governor shall not pardon any person who shall be tried and convicted of murder, and who shall be imprisoned therefor."

Lost.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Evans, Perkins, and Turner, and it was ordered engrossed, by a vote as follows:

AYES—Messrs. Andross, Beck, Bush, Crane, Duffy, Eakin, Evans, Finney, Fraser, Goodale, Graves, Hendricks, Kent, Lindsey, McCoy, McKusick, Neff, Perkins, Spencer, and Turner—20.

NOES—Messrs. Bartlett, DeHaven, Dyer, Farley, Gibbons, Hopkins, Martin, McCune, McMurry, O'Connor, Pendegast, Roach, and Tuttle—13.

Senate Bill No. 292—An Act to amend sections one hundred and ninety and eleven hundred and fifty-seven of an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two.

Mr. Lindsey moved to indefinitely postpone the bill, on which the ayes and noes were demanded by Messrs. Pendegast, Duffy, and Tuttle, and the motion prevailed, by a vote as follows:

AYES—Messrs. Bartlett, Beck, Crane, DeHaven, Duffy, Dyer, Eakin, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hopkins, Kent, Laine, Lindsey, Martin, McCoy, McCune, McKusick, Neff, Perkins, and Turner—25.

NOES—Messrs. Bush, O'Connor, Pendegast, Roach, Spencer, and Tuttle—6.

Assembly Bill No. 322—An Act to provide for the issuance of the bonds of the County of Marin, for the payment of the outstanding indebtedness of said county for road and bridge purposes.

Read third time, and passed.

REPORT.

Mr. McMurry submitted a report, as follows:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 186—An Act to quiet title to certain lands in Napa and Solano Counties;

Also, Senate Bill No. 273—An Act to amend section two of an Act entitled an Act to amend section one of an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved February twenty-ninth, eighteen hundred and sixty-eight, and to provide for the payment thereof, approved March twenty-fifth, eighteen hundred and seventy;

Also, Senate Bill No. 211—An Act for the protection of settlers on public lands claimed by the State;

Also, Senate Bill No. 231—An Act to provide for the establishment of a public library in the City of Los Angeles;

Also, Senate Bill No. 137—An Act to amend section three thousand three hundred and eighty-two of the Political Code;

And have presented the same to the Governor, for his approval, this day, at three o'clock and fifteen minutes P. M.

McMURRY, Chairman.

#### GENERAL FILE RESUMED.

Assembly Bill No. 321—An Act to prevent hogs, horned cattle, goats, and horses from running at large in the Town of Martinez, in Contra Costa County.

Read third time and passed.

Assembly Bill No. 330—An Act concerning roads and highways in the County of Monterey.

Read third time and passed.

Senate Bill No. 344—An Act to amend section one thousand two hundred and twenty-eight of the Penal Code.

The Senate refused to engross the bill.

Senate Bill No. 345—An Act to amend section one thousand two hundred and thirty of the Penal Code.

Continued on the file until Thursday, the fifth instant.

Assembly Bill No. 202—An Act to authorize the Controller of State to issue duplicate warrants to J. F. Bailey.

Amendments adopted, read third time, and passed.

Senate Bill No. 262—An Act to provide for the payment of attorneys' fees.

Considered in Committee of the Whole.

In Senate, Mr. Duffy offered an amendment:

*"Provided, that the amount shall be deducted from the amount which may be awarded to Messrs. Hutchings, Black, Lamon, and Folsom; and in the event there shall be no appropriation to Messrs. Hutchings, Black, Lamon, and Folsom, at this session of the Legislature, then, in that event, the said amount of fifteen hundred dollars shall be paid out of any money in the Treasury not otherwise appropriated."*

On the adoption of the amendment, the ayes and noes were demanded by the requisite number, and the Senate refused to adopt the amendment, by a vote as follows:

AYES—Messrs. Bartlett, Bush, Duffy, Laine, Lindsey, and Tuttle—6.

NOES—Messrs. Crane, DeHaven, Dyer, Eakin, Farley, Finney, Fraser,



Goodale, Graves, Hendricks, Hopkins, Keys, Martin, McCoy, McCune, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, and Turner—23.

Mr. Keys moved to suspend the rules, consider the bill engrossed, and place it on its passage. On which the ayes and noes were demanded by Messrs. Duffy, Bush, and Lindsey, and it was so ordered, by the following vote:

AYES—Messrs. Bartlett, Crane, DeHaven, Eakin, Farley, Finney, Fraser, Goodale, Graves, Hendricks, Hopkins, Keys, McCoy, McCune, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, and Turner—22.

NOES—Messrs. Bush, Duffy, Dyer, Laine, and Martin—5.

Read a third time, and on the passage of the bill the ayes and noes were demanded by Messrs. Laine, Bush, and McMurry, and it passed, by a vote as follows:

AYES—Messrs. Bartlett, Crane, DeHaven, Duffy, Dyer, Eakin, Farley, Finney, Fraser, Goodale, Graves, Hendricks, Hopkins, Keys, Lindsey, McCoy, McCune, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, and Spencer—24.

NOES—Messrs. Bush, Laine, and Martin—3.

Mr. Duffy gave notice that, on to-morrow, he would move to reconsider the vote by which the bill passed.

Assembly Bill No. 237—An Act to protect agriculture in the County of Butte.

Read third time and passed.

Senate Bill No. 350—An Act to amend the Penal Code relative to gaming.

Mr. Duffy moved to refer the bill to the Judiciary Committee.

Lost.

On motion of Mr. Tuttle, ordered third on the file for to-morrow.

At four o'clock and forty-five minutes P. M., on motion of Mr. Fraser, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 4th, 1874. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Beck presented a remonstrance from residents of Santa Cruz, against the reduction of telegraph rates.

Received, and laid on the table.

Mr. Pendegast presented petitions, signed by ten thousand one hundred and twenty-three persons, residents of various counties of the State, favoring the passage of a local option law.

The President presented a communication from merchants and business men of the City of San Francisco, in relation to arbitrary exactions and injustice of railroad companies.

On motion of Mr. Edgerton, the communication was referred to the Committee on Corporations, and four hundred and eighty copies ordered printed.

Mr. Farley presented a petition from citizens of Amador County, praying that the Statute of Limitations on promissory notes and book accounts, and contracts not in writing, be extended, etc.

Received, and referred to the Judiciary Committee.

#### REPORTS.

Reports were submitted as follows:

By Mr. Neff:

Mr. PRESIDENT: The Committee on State Prison, to whom was referred Senate Bill No. 189—An Act to establish the office and define the duties of Chaplain of the State Prison—have had the same under consideration, and now report the same back with an amendment, and without recommendation.

Also, Senate Bill No. 141—An Act to establish a State Reformatory.

Also, Senate Bill No. 143—An Act to establish a State Reformatory at San Quentin—and report the same back without recommendation.

NEFF, Chairman.

By Mr. Duffy:

The Sacramento delegation, to whom was referred Assembly Bill No. 376—An Act to provide for the improvement of the roadway leading to the Sacramento City Cemetery—have had the same under consideration, and now beg leave to report the bill back, and recommend its passage.

EDGERTON,  
DUFFY,  
Delegation.

Rules suspended, and the bill above reported taken up, read a third time, and passed.

By Mr. Pendegast:

Mr. PRESIDENT: The Judiciary Committee have had under consideration Senate Bill No. 315—An Act to quiet title to certain salt marsh and tide lands in Contra Costa County—and report the same back, and recommend its passage.

Also, Senate Bill No. 44—An Act to add two sections to the Political Code of California—and report the same back, with a substitute therefor, and a majority of the committee recommend the adoption and passage of the substitute.

Also, Substitute for Assembly Bills Nos. 1 and 2—An Act to amend certain sections of the Political Code, and to repeal certain other sections; and Senate Bill No. 213—An Act to amend the Political Code concerning officers, clerks, Secretaries, Boards, Commissioners, and salaries—and report the same bills back, and respectfully recommend their reference to the Committee on Finance.

Also, Senate Concurrent Resolution No. 48—relative to the return to Congress of the Yosemite Valley, and the Mariposa Big Tree Grove, granted to this State on June thirtieth, eighteen hundred and sixty-four, and opening the same to preëmption and settlement under the laws of the United States appertaining to public lands—and report the same back, and recommend that it be not adopted.

Also, Senate Bill No. 338—An Act to repeal an Act entitled an Act to accept the grant by the United States Government to the State of California, of the Yosemite Valley and Big Tree Grove, and to organize the Board of Commissioners, and to fully empower them to carry out the objects of the grant, and to fulfill the purposes of the trusts, approved April second, eighteen hundred and sixty-six, and to repeal sections thirty-five hundred and eighty-four, thirty-five hundred and eighty-five, and thirty-five hundred and eighty-six of the Political Code—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 337—An Act relating to jury trials—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 111—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors and drivers, and to amend section three thousand two hundred and forty of said Code—and report the same back, with a recommendation from a majority of the committee that it pass.

Also, Senate Bill No. 353—An Act to amend section four thousand and one of the Political Code—and report the same back, and recommend its passage.

Also, Senate Bill No. 359—An Act to add another section to the Penal Code—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 371—An Act to add a new section to the Code of Civil Procedure—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 281—An Act providing for the determination of actions for the recovery of the possession of lands and tenements, for rents and profits growing out of the same, and for damages for the withholding thereof, in certain cases—and report the same back, and recommend its passage.

Also, Senate Bill No. 362—An Act to amend section three hundred and thirty-nine of the Code of Civil Procedure—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 22—An Act to amend the Political Code by adding thereto certain sections, to be designated as sections three thousand three hundred and eighty-eight, three thousand three hundred and eighty-nine, three thousand three hundred and ninety, and three thousand three hundred and ninety-one—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 258—An Act relating to conveyances of real estate—and report the same back, and recommend its passage.

Also, Assembly Bill No. 257—An Act to add section eleven hundred and sixty-five to the Civil Code—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

PENDEGAST, Chairman.

Senate Bill No. 213, above reported, referred to the Committee on Finance, as per request.

By Mr. Perkins:

Mr. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 349—An Act to authorize the Controller of State to issue duplicate warrants;

Also, Senate Bill No. 352—An Act to authorize the State Controller to issue duplicate warrant;

And respectfully report the bills back, with the recommendation that they pass.

PERKINS, Chairman.

By Mr. Finney:

Mr. PRESIDENT: Your Committee on Agriculture beg leave to make the following report:

Your committee have had under consideration Assembly Bill No. 316, and recommend its passage.

Also, Assembly Bill No. 203, and recommend it do not pass.

Also, Assembly Bill No. 167, and Senate Bill No. 293, and recommend that they do not pass, as the objects aimed at in these bills can be better attained in Senate Bill No. 321, which your committee have considered, amended, and recommend the passage thereof.

FINNEY, Chairman.

Mr. Tuttle, for the Sonoma delegation, verbally reported Senate Bill No. 369—An Act supplementary to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight—with amendments, and recommend the passage of the bill as amended.

Rules suspended, and the bill taken up and placed on its passage, amendments adopted, considered engrossed, read third time, and passed.

By Mr. Beck:

Mr. PRESIDENT: Your Committee on Mileage would respectfully report that the following named Senators, members of the Committee on Public Buildings and Grounds, are each entitled to the sums set opposite their respective names, for mileage in traveling to and from Napa on committee duty:

---

Senator Pendegast .....	\$18 00
Senator Beck .....	18 00
Senator Duffy .....	18 00
Senator McMurry .....	18 00

---



And recommend the adoption of the following resolution:

*Resolved*, That Senators Pendegast, Beck, Duffy, and McMurry be and are hereby allowed eighteen dollars each, and that the same be paid out of the appropriation for the contingent expenses of the Senate.

Adopted.

Your Committee on Mileage would also respectfully report that the following named Senators, members of a Joint Committee of both Houses, appointed for the purpose of investigating the disposition of the University lands, and for other purposes, are entitled to the sums set opposite their respective names, for mileage in traveling to and from Berkeley on duty:

Senator Keys .....	\$38 50
Senator Evans .....	28 50
Senator Laine .....	38 50

And recommend the adoption of the following resolution:

*Resolved*, That Senators Keys, Evans, and Laine be and are hereby allowed the sum of thirty-eight dollars and fifty cents each, and that the same be paid out of the appropriation for the contingent expenses of the Senate.

Adopted.

Your Committee on Mileage also respectfully report that the following named Senators, members of a special Joint Committee on Geological Survey, are entitled to the sums set opposite their respective names, for mileage in traveling to and from San Francisco on committee duty:

Senator Hendricks.....	\$35 00
Senator Finney .....	35 00

And recommend the adoption of the following resolution:

*Resolved*, That Senators Hendricks and Finney be and they are hereby allowed the sum of thirty-five dollars each, mileage, and that the same be paid out of the appropriation for the contingent expenses of the Senate.

BECK, for Committee.

Resolution adopted.

By Mr. Keys:

MR. PRESIDENT: The Mariposa delegation, to whom was referred Assembly Bill No. 350—An Act to authorize the Board of Supervisors of Mariposa County to allow compensation to Manuel De Silva and brother for maintaining a ferry—report the same back, and recommend that the bill do pass.

KEYS, for Delegation.

By Mr. Gibbons:

Mr. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 317—An Act declaring Alameda Creek, in the County of Alameda, a navigable stream, and providing for the removal of obstructions therefrom—beg leave to report the same back, and recommend its passage.

GIBBONS, for Delegation.

The rules were suspended, and the bill above reported taken up, read third time, and passed.

By Mr. Hendricks:

Mr. PRESIDENT: The Butte delegation, to whom was referred Assembly Bill No. 221—An Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte, approved March fourth, eighteen hundred and seventy-two—report the same back with an amendment, and recommend its passage as amended.

HENDRICKS, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 4th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 277—An Act to amend section four hundred and sixty-six of the Penal Code.

Also, Senate Bill No. 283—An Act to authorize the Mountain View Cemetery Association to issue bonds.

Also, Senate Bill No. 266—An Act concerning the quarterly meetings of the Board of Supervisors of Nevada County.

Also, Senate Bill No. 140—An Act granting additional powers to the Loan Commissioners constituted by an Act approved April second, eighteen hundred and seventy.

Also, Senate Bill No. 294—An Act to authorize the Board of Supervisors of Merced County to sell and convey the Court House block, and buildings thereon, in the Town of Snelling.

Also, Senate Bill No. 279—An Act to amend an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State.

Also, Senate Bill No. 6—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Senate Bill No. 310—An Act to fix the fees of the County Surveyor of Sonoma County.

NEWTON BOOTH, Governor.

## ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 3d, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-seventh day of February, passed Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 3d, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-sixth day of February, passed Assembly Bill No. 362—An Act concerning railroad tickets in this State.

Also, adopted Assembly Concurrent Resolution No. 34—relative to an increase of service on Mail Route Number Forty-six Thousand Two Hundred and Sixty-five.

Also, on the twenty-seventh day of February, passed Assembly Bill No. 149—An Act amendatory of and supplementary to an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years.

Also, passed Assembly Bill No. 265—An Act to confer further powers and privileges upon the Trustees of Los Nietos Collegiate Institute.

Also, passed Assembly Bill No. 270—An Act to provide for the erection of county buildings at the City of Vallejo, in Solano County, and other matters relating thereto.

Also, passed Assembly Bill No. 271—An Act for the relief of Center School District, County of Solano.

Also, passed Assembly Bill No. 422—An Act to provide for the payment of the expenses of carrying on the county government of the County of Inyo.

Also, passed Assembly Bill No. 383—An Act to provide for building a bridge at the mouth of the Bay of San Leandro, in the County of Alameda.

Also, passed Assembly Bill No. 368—An Act to authorize the Board of Trustees of Redwood City to extend and open Stambaugh street, in said town, from the intersection of said street with the west side of Maple street to its intersection with Main street, and to condemn private property for the roadway of said street.

Also, passed Assembly Bill No. 392—An Act to repeal an Act entitled an Act concerning roads and highways in the Counties of Plumas and Lassen.

Also, on this day, adopted Senate Concurrent Resolution No. 52—relative to enrolling Senate Bill No. 279 out of its order.

Also, on this day, Messrs. Swift, Hamill, and Cowdery were appointed as Committee of Conference on the part of the House, to consider Assembly Bill No. 201—An Act concerning certain lands situate within and belonging to the City and County of San Francisco.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 4th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the third instant, adopted the following resolution:

*Resolved*, That the Senate be requested to return to this House Senate Bill No. 137, this House having reconsidered the action by which it was passed.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 137, having been enrolled and presented to the Governor, on motion of Mr. Pendegast, it was ordered that the Assembly be informed that the bill had passed out of the possession of the Senate.

Assembly Bill No. 96, above reported, read first and second times, referred to the Judiciary Committee, and ordered printed.

Assembly Bill No. 362, and Assembly Concurrent Resolution No. 34, read first and second times, and referred to the Committee on Corporations.

Assembly Bills Nos. 149 and 265, above reported, read first and second times, and referred to the Los Angeles County delegation.

Assembly Bill No. 242, above reported, read first and second times, and referred to the Committee on Finance.

Assembly Bills Nos. 270 and 271, above reported, read first and second times, and referred to the Solano County delegation.

Assembly Bill No. 422, above reported, read first and second times, and referred to the delegation named in the bill.

[Mr. Evans in the chair.]

Assembly Bill No. 383, above reported, read first and second times, and referred to the Alameda County delegation.

Assembly Bill No. 368, above reported, read first and second times, and referred to the San Mateo County delegation.

Assembly Bill No. 392, above reported, read first and second times, rules suspended, and, by unanimous consent, read third time and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. McCune—An Act to aid in the improvement of the lands of the State Agricultural Society.

Read first and second times, and referred to the Committee on Agriculture.

71—(Senate)



By Mr. O'Connor—An Act to amend sections three thousand nine hundred and seventy-seven and three thousand nine hundred and eighty-five of the Political Code.

Read first and second times, and referred to the Committee on Elections.

By Mr. Fraser—An Act to amend section three thousand three hundred and eighty-one of the Political Code of the State of California.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Pendegast—An Act to reorganize the Board of Supervisors of Lake County, to provide for the election of two additional members thereof, and other matters relating thereto.

Read first and second times, rules suspended, considered engrossed, read third time by unanimous consent, and passed.

By Mr. Graves—An Act authorizing the Trustees of Santa Barbara School District, of the County of Santa Barbara, to issue bonds of said district for school purposes.

Read first and second times, and ordered on file.

By Mr. Irwin—An Act amendatory of and supplementary to an Act entitled an Act to provide for the better maintenance of the indigent sick of Siskiyou County, approved April twenty-second, eighteen hundred and sixty-one.

Read first and second times, rules suspended, bill considered engrossed, and, by unanimous consent, read a third time and passed.

By Mr. Graves—An Act for the relief of R. Pacheco.

Read first and second times, and referred to the Committee on Claims.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

In accordance to previous notice, Mr. Bush moved to reconsider the vote whereby the Senate, on yesterday, refused to pass Senate Bill No. 268—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two.

Mr. Pendegast moved to indefinitely postpone the motion to reconsider, upon which the ayes and noes were demanded by Messrs. Neff, McKusick, and Roach, and the motion was lost, by a vote as follows:

AYES—Messrs. Andross, Bartlett, Crane, Duffy, Dyer, Fraser, Hendricks, Hopkins, Irwin, Kent, Neff, Pendegast, Perkins, and Roach—14.

NOES—Messrs. Bush, DeHaven, Eakin, Edgerton, Evans, Farley, Finney, Goodale, Graves, Keys, Laine, Lindsey, Martin, McCune, McKusick, McMurry, O'Connor, Oulton, Spencer, Turner, and Tuttle—21.

On the motion to reconsider the vote, the ayes and noes were demanded by the requisite number, and the vote was reconsidered, by the following vote:

AYES—Messrs. DeHaven, Eakin, Edgerton, Evans, Farley, Finney, Goodale, Graves, Keys, Laine, Lindsey, Martin, McCune, McKusick, McMurry, O'Connor, Oulton, Spencer, Turner, and Tuttle—20.

NOES—Messrs. Andross, Bartlett, Bush, Crane, Duffy, Dyer, Fraser, Hendricks, Hopkins, Irwin, Kent, Neff, Pendegast, Perkins, and Roach—15.

On the passage of the bill, the ayes and noes were demanded by Messrs. Laine, Oulton, and Finney, and it passed, by a vote as follows:

AYES—Messrs. DeHaven, Eakin, Edgerton, Evans, Farley, Finney, Goodale, Graves, Laine, Lindsey, Martin, McCune, McKusick, McMurry, O'Connor, Oulton, Spencer, Turner, and Tuttle—19.

NOES—Messrs. Andross, Bartlett, Bush, Crane, Duffy, Dyer, Fraser, Hendricks, Hopkins, Irwin, Kent, Keys, Neff, Pendegast, Perkins, and Roach—16.

#### GENERAL FILE.

Senate Bill No. 95—An Act to protect bona fide settlers upon public lands.

Mr. Edgerton moved to amend section one by adding the following proviso thereto:

*“Provided, that this Act shall not apply to or be in any manner construed to affect any controversy or any bona fide application now pending in the Land Department of this State, or of the United States.”*

On the adoption of which the ayes and noes were demanded by the requisite number, and the amendment was lost, by a vote as follows:

AYES—Messrs. Andross, DeHaven, Duffy, Edgerton, Fraser, Graves, Kent, and McKusick—8.

NOES—Messrs. Bartlett, Beck, Bush, Eakin, Farley, Finney, Goodale, Hendricks, Hopkins, Keys, Laine, Lindsey, Martin, McCoy, McCune, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Turner, and Tuttle—24.

Rules suspended, considered engrossed, read a third time, and passed. Senate Bill No. 147—An Act to provide for the sale of certain property belonging to the State.

Ordered to the top of the General File for Friday, the sixth instant.

#### REPORT.

Mr. Beck presented a report, as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 290—An Act to amend section one hundred and ninety of the Penal Code.

BECK, for Committee.

[President in the chair.]

#### GENERAL FILE RESUMED.

Senate Bill No. 350—An Act to amend the Penal Code, relative to gaming.

Referred to the Judiciary Committee.

Senate Bill No. 296—An Act regulating the sale of the mineral lands belonging to the State.

Passed on file.

Senate Bill No. 309—An Act to permit the voters of every township,

incorporate city, or county, in this State, to vote on the question of granting licenses to sell intoxicating liquors.

Amendments agreed to in the Committee of the Whole concurred in, and ordered printed.

Senate Bill No. 203—An Act to create the County of Manache, to establish its boundaries, etc.

Ordered to the top of the file for Friday, the sixth instant.

Assembly Bill No. 275—An Act to prevent hogs and goats running at large in the Town of Fiddletown, Amador County.

Read third time, and passed.

Assembly Bill No. 40—An Act to abate the squirrel nuisance in certain counties in the State of California.

Read third time, and passed.

Assembly Bill No. 312—An Act supplementary to an Act to establish a Paid Fire Department in the City of Sacramento, approved April first, eighteen hundred and seventy-two.

Read third time, and passed.

At one o'clock P. M. the Senate took a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

#### ASSEMBLY MESSAGE.

The following message was taken up:

ASSEMBLY CHAMBER,  
March 4th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-seventh day of February, passed Assembly Bill No. 387—An Act for the incorporation of the Town of Wheatland.

Also, passed Assembly Bill No. 355—An Act to authorize the transfer and loan of certain funds in Lake County.

Also, passed Assembly Bill No. 428—An Act to repeal all special road laws in the County of Fresno.

Also, passed Assembly Bill No. 280—An Act to change the road laws of Kern County.

Also, passed Assembly Bill No. 352—An Act for the relief of Asa Howard and others, of the County of Alameda.

Also, passed Assembly Bill No. 341—An Act to legalize a certain assessment made by the officers of the Town of Brooklyn, Alameda County.

Also, passed Assembly Bill No. 342—An Act ratifying and confirming action of the City Council of the City of Oakland, and for the relief of W. W. Foote.

Also, passed Assembly Bill No. 440—An Act to change the name of a town in Siskiyou County.

Also, passed Assembly Bill No. 446—An Act concerning lawful and partition fences in the County of Modoc.

Also, passed Assembly Bill No. 370—An Act to amend an Act entitled

an Act regulating proceedings in Courts of record of Nevada County, in certain cases.

Also, passed Assembly Bill No. 435—An Act to provide funds for the school department of the Town of Alameda, in the County of Alameda.

Also, passed Assembly Bill No. 445—An Act to legalize the act of the Board of Trustees of Susanville School District in borrowing money, and to provide for the payment of the same.

And, on the third instant, amended and passed Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 114, above reported, Assembly amendment concurred in.

Assembly Bill No. 387, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 355, above reported, read first and second times, and referred to the Lake County delegation.

Assembly Bill No. 428, and Assembly Bill No. 280, above reported, read first and second times, and referred to the delegations named in the bill.

Assembly Bills No. 341, 342, and 435, above reported, read first and second times, and referred to the Alameda County delegation.

Assembly Bill No. 352, above reported, read first and second times, and referred to the Committee on Claims.

Assembly Bill No. 440, above reported, read first and second times, and referred to the Siskiyou delegation.

Assembly Bill No. 446, above reported, read first and second times, and referred to the Modoc County delegation.

Assembly Bills No. 370 and 445, above reported, read first and second times, and referred to the delegations named in the bills.

#### REPORT.

Mr. Neff, by leave, made a report, as follows:

Mr. PRESIDENT: Your Committee on State Prison respectfully report that they have had under consideration Senate Bill No. 87—An Act to provide for the erection and maintenance of a Branch Prison near the Town of Folsom—and herewith report the same back with a recommendation of a majority of the committee that it pass, with certain amendments appended thereto.

NEFF, Chairman.

#### SPECIAL ORDER.

Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

On motion of Mr. Edgerton, the special order was discharged, and the bill ordered to the top of the General File for to-morrow.



## REPORT.

Mr. Tuttle made a report, as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 369—An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

TUTTLE, of Committee.

## GENERAL FILE RESUMED.

Assembly Bill No. 313—An Act to amend an Act supplementary to an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March thirtieth, eighteen hundred and seventy-two.

Read third time and passed.

Assembly Bill No. 360—An Act concerning the terms of office and the times of meeting of the Supervisors of Yolo County.

Read third time and passed.

Assembly Bill No. 124—An Act to allow the San Diego and Arizona Mining Company to change its principal place of business from San Diego to the City and County of St. Louis, Missouri.

Read third time and passed.

Assembly Bill No. 291—An Act to authorize the City of Sacramento to raise and pay to the former owners of land sold to the State of California, to enlarge the Capitol grounds, the balance of the purchase price of said land.

Passed on file for to-morrow.

Assembly Bill No. 163—An Act for the more effectual prevention of cruelty to animals.

Amended, and referred to the Judiciary Committee.

[Mr. Perkins in the chair.]

Assembly Bill No. 75—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

Referred to the San Francisco delegation.

Mr. Duffy, in accordance to notice given on yesterday, moved to reconsider the vote whereby the Senate passed Senate Bill No. 262—An Act to provide for the payment of attorneys' fees.

The Senate refused to reconsider the vote.

On motion of Mr. Pendegast, the rules were suspended to take up Senate Bill No. 44—An Act to add two new sections to the Political Code of California.

Substitute adopted.

Amendments adopted in the Committee of the Whole, concurred in.

On motion of Mr. Oulton, ordered second on file for to-morrow.

Senate Bill No. 274—An Act in relation to the revision of the laws.

Considered in Committee of the Whole.

In Senate, rules suspended, considered engrossed, and read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Evans, Laine, and Duffy, and it passed, by a vote as follows:

AYES—Messrs. Bartlett, Beck, DeHaven, Eakin, Edgerton, Evans, Farley, Gibbons, Graves, Hendricks, Kent, Neff, Pendegast, Perkins, Roach, Spencer, and Tuttle—17.

NOES—Messrs. Bush, Duffy, Fraser, Goodale, Keys, Laine, Martin, McCoy, McCune, McKusick, O'Connor, Oulton, and Turner—13.

Mr. Evans gave notice that, on to-morrow, he would move to reconsider the vote by which the bill passed.

Assembly Bill No. 136—An Act to amend the Political Code of the State of California.

Title amended, amendment adopted, read third time, and passed.

Mr. Farley, by leave, introduced a bill, as follows:

An Act concerning the execution of final process in certain cases.

Read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 308—An Act to amend an Act to establish a Code of Civil Procedure.

Ordered engrossed.

Senate Bill No. 300—An Act to amend section thirteen hundred and twenty-nine of the Penal Code.

Indefinitely postponed.

Senate Bill No. 303—An Act to compel the collection of agricultural statistics.

The Senate refused to engross the bill.

Senate Bill No. 340—An Act concerning the fees of the Sheriff of the County of Los Angeles.

Indefinitely postponed.

At four o'clock and fifty minutes P. M., on motion of Mr. Neff, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Thursday, March 5th, 1874. }

Senate met at ten o'clock A. M., pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Reports were submitted as follows:

By Mr. McMurtry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State;

Also, Senate Bill No. 192—An Act to provide for the location, construction, and maintenance of public roads in the County of Tulare;

And have presented the same to his Excellency the Governor, for his approval, this day, at ten o'clock and fifteen minutes A. M.

And, at the same time, delivered to the Governor Senate Concurrent Resolution No. 43—asking Congress to declare the meaning of the joint resolution of Congress, of June twenty-eighth, eighteen hundred and seventy, in reference to the reserve for a land grant to the Southern Pacific Railroad Company, in California, and to restore certain lands to the public domain.

Also, Senate Concurrent Resolution No. 39—asking Congress to establish a mail route in Sonoma County, and Post Office at Donahue, in said county.

McMURRY, Chairman.

Mr. Perkins, for the Committee on Claims, verbally reported Assembly Bill No. 352—An Act for the relief of Asa Howard and others, of the County of Alameda.

The bill was referred to the Alameda delegation.

By Mr. O'Connor:

Mr. PRESIDENT: The Committee on State and County Revenue, to whom was referred Senate Bill No. 375—An Act for the relief of David C. Norcross, Sheriff of San Luis Obispo County—would report the bill back, and recommend its passage.

O'CONNOR, Chairman.

By Mr. Farley:

Mr. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Concurrent Resolution No. 34—relative to an increase of service on Mail Route Number Forty-six Thousand Two Hundred and Sixty-five—have had the same under consideration, and herewith report the same back, and recommend its passage.

Also, Senate Bill No. 93—An Act to amend section two hundred and eighty-eight of the Civil Code, concerning the existence of corporations—and report the bill back, and respectfully recommend that the same do not pass.

Also, Senate Bill No. 376—An Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara—and report the same back, with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 123—An Act to authorize the corporation of the City of Los Angeles to issue bonds to purchase railroad depot and workshop grounds—and report the same back, with amendments, and the recommendation that the bill do not pass.

Also, Senate Bill No. 207—An Act to amend section four hundred and eighty-nine of the Civil Code—and respectfully recommend that the same do not pass.

Also, Senate Bill No. 49—An Act to amend section four hundred and eighty-nine of the Civil Code of the State of California—and respectfully recommend that the same do not pass.

Also, Assembly Bill No. 337—An Act to amend an Act to reincorporate the town of Santa Rosa—and report the same back, and recommend its passage.

Also, Assembly Bill No. 173—An Act concerning certain public reservations of the City and County of San Francisco—and report the same

back, with amendments, and respectfully recommend the adoption of amendments, and the passage of the bill as amended.

FARLEY, Chairman.

By Mr. Lindsey:

MR. PRESIDENT: The delegation from Kern County, to whom was referred Assembly Bill No. 280—An Act to change the road laws of Kern County—have had the same under consideration, and now report the bill back, and respectfully recommend its passage.

LINDSEY, for the Delegation.

MR. PRESIDENT: The Fresno delegation, to whom was referred Assembly Bill No. 428—An Act to repeal all special road laws in the County of Fresno, have had the same under consideration, and now report the bill back, and respectfully recommend its passage.

LINDSEY, for the Delegation.

Assembly Bill No. 280, above reported; rules suspended, and the bill placed on its passage.

Read third time, and passed.

By Mr. Bartlett:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 118—An Act to provide for copying the mutilated maps on file in the office of the Recorder of the City and County of San Francisco—have had the same under consideration, and report the same back, and recommend that it do not pass.

BARTLETT, Chairman.

By Mr. Hopkins:

MR. PRESIDENT: The delegation from Calaveras, to whom was referred Senate Bill No. 377—An Act to enforce the collection of poll taxes in the County of Calaveras—report the bill back, and recommend its passage.

B. DYER,  
R. HOPKINS.

Rules suspended, and the bill above reported taken up and placed on its passage, considered engrossed, by unanimous consent read third time, and passed.

By Mr. McCune:

MR. PRESIDENT: Your committee to whom was referred Assembly Bill No. 271—An Act for the relief of Center School District, County of Solano—would respectfully report that they have had the same under consideration, and report the same back, and recommend its passage.

McCUNE, for Solano Delegation.



Mr. McKusick, for the Committee on Public Lands, verbally reported Senate Bill No. 342—An Act concerning the selection and sale of University lands.

Rules suspended, and the bill taken up and placed on its passage; amendment adopted, considered engrossed, read third time, and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 5th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 220—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Stanislaus.

Also, Senate Bill No. 273—An Act to amend section two of an Act entitled an Act to amend section one of an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved February twenty-ninth, eighteen hundred and sixty-eight, and to provide for the payment thereof, approved March twenty-fifth, eighteen hundred and seventy.

Also, Senate Bill No. 231—An Act to provide for the establishment of a public library in the City of Los Angeles.

NEWTON BOOTH,  
Governor.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 4th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 102—An Act to amend the Code of Civil Procedure.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 4th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the report of the Committee on Conference on Assembly Bill No. 201—An Act concerning certain lands situate within and belonging to the City and County of San Francisco.

Also, adopted Assembly Concurrent Resolution No. 50—requesting the Governor to withhold his signature to Senate Bill No. 137, and to return the same to the Senate for further consideration.

Also, adopted the following resolution:

*Resolved*, That the Senate be requested to return to this Assembly, Senate Bill No. 137, provided the said bill shall be returned to the Senate by the Governor in accordance with the joint resolution this day passed by the Assembly.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 5th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the fourth instant, passed Senate Bill No. 221—An Act to provide funds for the Town of San Luis Obispo.

Also, passed Senate Bill No. 227—An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight.

Also, passed Senate Bill No. 229—An Act authorizing and empowering the Auditor of El Dorado County to allow certain claims against said county.

Also, passed Senate Bill No. 232—An Act to amend section three thousand nine hundred and twenty-two of the Political Code.

Also, passed Senate Bill No. 282—An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 326—An Act to provide for the indexing of certain records of Nevada County.

Also, indefinitely postponed Senate Bill No. 320—An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco.

Also, amended and passed Senate Bill No. 265—An Act concerning roads and highways in the County of Santa Clara.

Also, adopted and passed Assembly Substitute for Senate Bill No. 250—An Act to protect the County Treasuries of certain counties.

Also, amended and passed Senate Bill No. 332—An Act to provide for the payment of the debt incurred in building a school house for the Oro Fino School District, in Siskiyou County.

Also, passed Assembly Bill No. 32—An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation.

Also, passed Assembly Bill No. 444—An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof.

Also, concurred in Senate amendments to Assembly Bill No. 100—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three.

JOHN WEBBER,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 50, above reported, the Senate refused to concur in the resolution.

Senate Bill No. 265, above reported, referred to the Santa Clara delegation.

Assembly Substitute for Senate Bill No. 250, above reported, the Senate refused to concur in the Assembly amendment.

Assembly Bill No. 102, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 32, above reported, read first and second times, and referred to the Committee on Public Buildings.

Assembly Bill No. 444, above reported, read first and second times, and referred to the Yolo County delegation.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Duffy—An Act to create a swamp land reclamation district, to be known as Lake District Number One, of Sacramento County.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Bush (by request)—An Act to prevent the adulteration of food, drinks, and drugs.

Read first and second times, and referred to Judiciary Committee.

By Mr. Neff (by request)—An Act to abolish attorneys' fees and other charges in savings banks.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. McCune—An Act to prohibit the sale of intoxicating liquors within one and one half miles of the California College in Solano County.

Read first and second times, and referred to the Committee on Public Morals.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Evans, pursuant to previous notice, moved to reconsider the vote whereby the Senate passed Senate Bill No. 274—An Act in relation to the revision of the laws.

The ayes and noes were demanded by Messrs. Evans, Fraser, and Goodale, the vote resulting as follows:

**AYES**—Messrs. Andross, Bush, Crane, Duffy, Evans, Fraser, Goodale, Laine, Martin, McCoy, McCune, McKusick, McMurphy, Neff, O'Connor, Oulton, and Turner—17.

**NOES**—Messrs. Bartlett, Beck, Boggs, Eakin, Edgerton, Farley, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Lindsey, Pendegast, Perkins, Roach, and Spencer—17.

The President voted in the negative, and declared the motion to reconsider lost.

## GENERAL FILE.

Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

Considered in Committee of the Whole.

In Senate, reported without amendments.

At one o'clock P. M., on motion of Mr. Farley, the hour of recess was postponed.

Bill read third time.

On the passage of the bill, the ayes and noes were demanded by the requisite number, and it passed, by a vote as follows:

**AYES**—Messrs. Andross, Boggs, Crane, DeHaven, Eakin, Farley, Fraser, Goodale, Graves, Irwin, Kent, Martin, McCoy, McKusick, McMurry, Neff, O'Connor, Perkins, Roach, Spencer, Turner, and Tuttle—22.

**NOES**—Messrs. Bartlett, Duffy, Dyer, Edgerton, Evans, Hopkins, Keys, Laine, Lindsey, McCune, Oulton, and Pendegast—12.

Mr. Boggs gave notice that, on to-morrow, he would move to reconsider the vote by which the bill passed.

At one o'clock and thirty minutes P. M., on motion of Mr. Pendegast, the Senate took a recess until half-past two o'clock P. M.

## REASSEMBLED.

At two o'clock and thirty minutes P. M. the Senate reassembled.  
President in the chair.

Roll called, and a quorum present.

Mr. Evans offered an amendment to Senate Rule No. 36.

Laid over one day, under the rules.

Mr. Tuttle requested to have his vote recorded as voting in the negative on Mr. Evans' motion to reconsider the vote by which Senate Bill No. 137 passed on yesterday.

So ordered.

Mr. Pendegast offered a concurrent resolution requesting the Governor to return Senate Bill No. 137.

Adopted.

## SPECIAL ORDER.

Senate Bill No. 130—An Act to amend the Political Code, and other matters concerning military affairs.

On motion of Mr. Pendegast, the special order was postponed until two o'clock P. M., on Tuesday next, the tenth instant.

Mr. McKusick, by leave, presented a remonstrance from citizens of El Dorado County against the passage of Senate Bill No. 130.

## REPORTS.

Mr. McMurry made a report, as follows:

**MR. PRESIDENT:** Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No.



229—An Act to authorize and empower the Auditor of El Dorado County to allow certain claims against the county;

Also, Senate Bill No. 227—An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight;

Also, Senate Bill No. 232—An Act to amend section three thousand nine hundred and twenty-two of the Political Code;

Also, Senate Bill No. 326—An Act to provide for the indexing of certain records of Nevada County;

Also, Senate Bill No. 282—An Act to amend an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two;

Also, Senate Bill No. 221—An Act to provide funds for the Town of San Luis Obispo;

Also, Senate Bill No. 332—An Act to provide for the payment of the debt incurred in building a school house for the Oro Fino School District, in Siskiyou County;

And have presented the same to the Governor, for his approval, this day, at three o'clock and fifteen minutes P. M.

McMURRY, Chairman.

By Mr. Bush:

Mr. PRESIDENT: The Los Angeles delegation, to whom was referred Assembly Bill No. 149—An Act amendatory of and supplementary to an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two; also, Assembly Bill No. 265—An Act to confer further powers and privileges on the Trustees of Los Nietos Collegiate Institute—have had the same under consideration, and report them back, with the recommendation that they do pass.

BUSH, for Delegation.

#### GENERAL FILE RESUMED.

Senate Bill No. 44—An Act to add two sections to the Political Code of California.

Mr. Oulton offered an amendment, as follows:

Strike out all after the figures two thousand five hundred and twenty, in the sixth line of section one, and insert the following:

Section Two Thousand Five Hundred and Nineteen. The Board of State Harbor Commissioners consists of three members, each of whom must be a qualified elector of the State. The term of office of each is four years, commencing on the first Monday in December after the election, except as provided in section two thousand five hundred and twenty.

Section Two Thousand Five Hundred and Twenty. On the Wednesday preceding the final adjournment of the Legislature, in eighteen hundred and seventy-four, the Senate and Assembly shall meet in Joint Convention, and proceed to vote for three State Harbor Commissioners, and shall take at least one ballot on that day, and on each day thereafter, until an election is had. The State Harbor Commissioners so elected shall hold office until the first Monday in December, eighteen hundred and seventy-five. At the general election to be held in the

year eighteen hundred and seventy-five, three State Harbor Commissioners shall be elected by the qualified electors of the City and County of San Francisco; one of whom shall hold office for two years from the first Monday in December after his election, and two shall hold office for four years. At the general election to be held in the year eighteen hundred and seventy-seven, one State Harbor Commissioner shall be elected by the qualified electors of said city and county; and at the general election to be held each two years thereafter, State Harbor Commissioners, corresponding in number to the number of those whose terms will expire on the first Monday in December thereafter, shall be elected by the qualified electors of said city and county.

On the adoption of the amendment, the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

**AYES**—Messrs. Bartlett, Duffy, Edgerton, Evans, Goodale, Hendricks, Keys, McCoy, Neff, Oulton, Perkins, and Roach—12.

**NOES**—Messrs. Andross, Beck, Bush, Dyer, Eakin, Farley, Fraser, Graves, Hopkins, Kent, Laine, Lindsey, Martin, McCune, McKusick, O'Connor, Fendegast, Spencer, Turner, and Tuttle—20.

Amended, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Edgerton, Senate Bills Nos. 189, 141, 143, and 87 were made special orders for Friday, the thirteenth instant, at twelve o'clock M.

#### ASSEMBLY MESSAGE.

The following Assembly message was taken up:

ASSEMBLY CHAMBER,  
March 5th, 1874. }

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on the fourth instant, passed Assembly Bill No. 344—An Act to amend sections three thousand and nine and three thousand and ten of the Political Code.

**JOHN WEBBER,**  
Assistant Clerk.

Assembly Bill No. 344, above reported, read first and second times, and referred to San Francisco delegation.

Mr. Beck, by leave, offered a resolution providing that the Committee on Public Buildings and Grounds be allowed a clerk.

Referred to the Committee on Contingent Expenses.

On motion of Mr. Fendegast, Senate Bill No. 44 was ordered engrossed out of its order.

At five o'clock and thirty minutes, on motion of Mr. Fraser, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Friday, March 6th, 1874. }

Senate met pursuant to adjournment.  
President in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## PETITIONS.

Mr. Tuttle presented a protest from the Board of Education of Petaluma, Sonoma County, against the passage of Senate Bill No. 56.  
Received, and referred to the Committee on Education.

## REPORTS.

Reports were submitted as follows:

By Mr. Tuttle:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 44—An Act to add two sections to the Political Code.

Also, Senate Bill No. 308—An Act to amend an Act entitled an Act to establish a Code of Civil Procedure.

Also, Senate Bill No. 383—An Act to reorganize the Board of Supervisors of Lake County, and to provide for the election of two additional members thereof, and other matters relating thereto.

TUTTLE, for Committee.

By Mr. Perkins:

Mr. PRESIDENT: The Committee on Claims have had under consideration Assembly Bill No. 269—An Act for the relief of Andrew Wasson, Sheriff of Monterey County—and respectfully report the same back without recommendation.

PERKINS, Chairman.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 387—An Act concerning the execution of final process in certain cases—and report the same back, and recommend its passage.

PENDEGAST, Chairman.

Rules suspended, and Senate Bill No. 387, above reported, taken up, rules further suspended, bill considered engrossed, and, by unanimous consent, read a third time, and passed.

By Mr. Tuttle:

MR. PRESIDENT: The delegation from Sonoma have examined Assembly Bill No. 303, and report the same back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

TUTTLE, for Delegation.

Rules suspended, and the above reported bill taken up, amendments adopted, read a third time, and passed.

Mr. Perkins, for the delegation, verbally reported Assembly Bill No. 445—An Act to legalize the act of the Board of Trustees of the Susanville School District, in borrowing money, and to provide for the payment thereof—recommending its passage.

Rules suspended, and the bill above reported taken up and placed on its passage, read a third time, and passed.

Mr. Gibbons, for the delegation, verbally reported Assembly Bill No. 341—An Act to legalize a certain assessment made by the officers of the Town of Brooklyn, Alameda County—and moved its reference to the Judiciary Committee.

So ordered.

By Mr. Gibbons:

MR. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 352—An Act for the relief of Asa Howard and others, of the County of Alameda—beg leave to report the same back, with the recommendation that it do not pass.

GIBBONS, for Delegation.

Mr. Gibbons moved to indefinitely postpone the bill.

Carried.

By Mr. Gibbons:

MR. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 342—An Act ratifying and confirming the action of the City Council of the City of Oakland for the relief of W. W. Foote—beg leave to report the same back, and recommend its passage.

GIBBONS, for Delegation.

Rules suspended, and the bill above reported taken up and placed on its passage, read a third time, and passed.

By Mr. Fraser:

MR. PRESIDENT: The El Dorado delegation, to whom was referred Senate Bill No. 341—An Act to amend the road law of El Dorado County—respectfully report the same back, and recommend the passage of the bill.

FRASER, for Delegation.

By Mr. Beck:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 385—An Act amendatory of



and supplementary to an Act entitled an Act to provide for the better maintenance of the indigent sick of Siskiyou County, approved April twenty-second, eighteen hundred and sixty-one.

Also, Senate Bill No. 95—An Act to protect bona fide settlers upon public lands.

BECK, for Committee.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from his Excellency the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 5th, 1874. }

*To the Senate of the State of California:*

I herewith transmit to your honorable body the report of the Commissioners of Fisheries of the State of California, for the years eighteen hundred and seventy-two and eighteen hundred and seventy-three.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 5th, 1874. }

*To the Senate of the State of California:*

I have this day appointed, as Regents of the University of California, J. Mora Moss, vice himself, term expired, and Jos. W. Winans, vice himself, term expired; and J. W. Foard, Insurance Commissioner, vice himself, term expired; and respectfully ask your honorable body to confirm the same.

NEWTON BOOTH,  
Governor.

#### EXECUTIVE SESSION.

The Senate went into executive session, to consider the appointments made by the Governor.

#### REGENTS OF THE UNIVERSITY OF CALIFORNIA.

On the question: "Will the Senate advise and consent to the appointment of J. Mora Moss, vice himself, term expired?"

The roll was called, with the following result:

AYES—Messrs. Bartlett, Crane, Dyer, Eakin, Edgerton, Farley, Finney, Fraser, Goodale, Irwin, Kent, Laine, McCoy, McKusick, Neff, O'Connor, Oulton, Spencer, and Turner—20.

NOES—Mr. Graves—1.

Upon the question: "Will the Senate advise and consent to the appointment of Joseph W. Winans, vice himself, term expired?"

The roll was called, resulting as follows:

**AYES**—Messrs. Bartlett, Bush, Crane, Dyer, Eakin, Edgerton, Farley, Fraser, Goodale, Irwin, Kent, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, and Turner—21.

**NOES**—Messrs. Graves and Laine—2.

#### INSURANCE COMMISSIONER.

Upon the question: "Will the Senate advise and consent to the appointment of J. W. Foard as Insurance Commissioner, vice himself, term expired?"

The roll was called, resulting as follows:

**AYES**—Messrs. Bartlett, Bush, Crane, Duffy, Dyer, Eakin, Edgerton, Farley, Fraser, Goodale, Graves, Hopkins, Irwin, Kent, Laine, Martin, McCoy, McCune, McMurry, Neff, O'Connor, Oulton, Perkins, Roach, Spencer, Turner, and Tuttle—27.

**NOES**—None.

Whereupon, the President announced that the appointments of J. Mora Moss and Joseph W. Winans were duly confirmed as Regents of the University for the term of sixteen years, and that J. W. Foard was duly confirmed as Insurance Commissioner for the term of four years from the expiration of their present term of office.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 5th, 1874. }

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on the twenty-seventh day of February, passed Assembly Bill No. 351—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society, in the City of Oakland, County of Alameda.

Also, passed Assembly Bill No. 287—An Act supplementary to and amendatory of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four, to provide ways and means for building, furnishing, and repairing school houses in said city, and for other purposes.

Also, passed Assembly Bill No. 455—An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 148—An Act amendatory of and supplementary to an Act approved March seventh, eighteen hundred and seventy-two, entitled an Act to incorporate the Town of Alameda.

Also, passed Assembly Bill No. 231—An Act entitled an Act to transfer certain funds in the County of Kern.

Also, on this day, passed Assembly Bill No. 230—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts.

Also, passed Assembly Bill No. 336—An Act granting the right to carriers and venders of newspapers, books, and periodicals, to sell and

distribute the same on railroads, steamboats, and sailing vessels in this State, and for other purposes.

Also, passed Assembly Bill No. 53—An Act to appropriate money for the expenses of the Tide Land Commission.

Also, passed Assembly Bill No. 288—An Act amendatory of the Political Code of the State of California, by adding thereto a section, to be designated section twelve hundred and seventy-nine.

Also, on the fourth instant, ordered the enacting clause struck out of Senate Bill No. 187—An Act to authorize C. H. Reynolds to sue the State of California.

Also, on this day, adopted Assembly Concurrent Resolution No. 51—requesting the Senate and Assembly Committees on Public Buildings and Grounds to examine the Governor's Mansion.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 5th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 76—An Act for the relief of A. A. Bennett, Architect of the State Armory and Governor's Mansion.

Also, passed Senate Bill No. 61—An Act to amend section twenty-nine hundred and fifty-eight of the Political Code.

Also, passed Senate Bill No. 193—An Act making appropriations for the payment of certain claims in favor of J. A. Breuner.

Also, passed Senate Bill No. 167—An Act in relation to the care of orphan and abandoned children.

Also, passed Senate Bill No. 161—An Act to prevent the sale of intoxicating beverages on election days.

Also, adopted Senate Concurrent Resolution No. 42—relative to furnishing arms by the General Government.

Also, amended and passed Senate Bill No. 254—An Act to amend sections three hundred and six and three hundred and seven of the Penal Code.

Also, refused to pass Senate Bill No. 249—An Act to amend section nine hundred and seventy-seven of the Code of Civil Procedure.

Also, refused to pass Senate Bill No. 285—An Act to amend section thirteen hundred and twenty-nine of the Penal Code.

Also, passed Assembly Bill No. 172—An Act to provide a system of irrigation.

Also, adopted Senate Concurrent Resolution No. 53—requesting the Governor to return Senate Bill No. 137 to the Senate.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 254, above reported, Assembly amendments concurred in.

Assembly Bill No. 172, above reported, read first and second times, and referred to the Committee on Irrigation.

Assembly Bills Nos. 351, 230, 53, and 288, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 287, above reported, read first and second times, and referred to the El Dorado County delegation.

Assembly Bill No. 455, above reported, read first and second times, and referred to the Solano County delegation.

Assembly Bill No. 148, above reported, read first and second times, and referred to the Alameda delegation.

Assembly Bill No. 231, above reported, read first and second times, and referred to the Kern County delegation.

Assembly Bill No. 336, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Concurrent Resolution No. 51, above reported, concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Pendegast—An Act to amend section thirteen hundred and four of the Code of Civil Procedure of the State of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. O'Connor—An Act for the better protection of the stockholders in corporations formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

By Mr. Eakin—An Act to provide for the payment of certain road indebtedness of Tuolumne County.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time, and passed.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. Graves, Senate Bill No. 363—An Act concerning submarine sites for lighthouses, and other aids to navigation on the coast of this State—was taken from the table, and ordered to the top of the General File for to-morrow.

On motion of Mr. Dyer, Senate Concurrent Resolution No. 48, and Senate Bill No. 338, were taken from the General File, and made the special order for Wednesday, the eleventh instant, at two o'clock P. M.

The resolution offered by Mr. Evans, on yesterday, was taken up.

*Resolved*, That Senate Rule No. 36 is hereby amended so as to read as follows:

Rule No. 36—If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly until the reconsideration is disposed of or the time for moving the same has expired, nor shall he report a bill or resolution to the Assembly on the same day that it passed, whether notice of a motion to reconsider has been given or not, unless specially ordered so to do by vote of the Senate.

Lost.

Mr. Pendegast offered a concurrent resolution in behalf of Charles M. Blake, Chaplain of the United States Army.



Read first and second times, rules suspended, read third time, and adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 6th, 1874. }

*To the Senate of the State of California:*

" In accordance with a resolution of your honorable body, I herewith return Senate Bill No. 137—An Act to amend section three thousand three hundred and eighty-two of the Political Code.

NEWTON BOOTH,  
Governor.

On motion of Mr. Pendegast, the rules were suspended, the vote was reconsidered, and the bill ordered transmitted to the Assembly.

GENERAL FILE.

Senate Bill No. 203—An Act to create the County of Manache, to establish its boundaries, etc.

The Senate refused to engross the bill.

Senate Bill No. 147—An Act to provide for the sale of certain property belonging to the State.

Ordered to the head of the General File for Monday, the ninth instant.

Assembly Bill No. 291—An Act to authorize the City of Sacramento to raise and pay to the former owners of land sold to the State of California, to enlarge the Capitol grounds, the balance of the purchase price of said land.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Oulton, McMurry, and Bush, and it passed, by a vote as follows:

AYES—Messrs. Andross, Bartlett, Beck, Crane, Duffy, Dyer, Eakin, Edgerton, Farley, Finney, Graves, Hopkins, Kent, Keys, Martin, McCoy, McCune, McKusick, McMurry, Neff, Pendegast, Perkins, Roach, and Spencer—24.

NOES—Messrs. Bush, DeHaven, Fraser, Goodale, Hendricks, Irwin, Lane, Lindsey, O'Connor, Oulton, Turner, and Tuttle—12.

Senate Bill No. 290—An Act to amend section one hundred and thirty of the Penal Code. .

Read third time, and on the passage of the bill the ayes and noes were demanded by the requisite number, and it passed, by a vote as follows:

AYES—Messrs. Beck, Bush, Crane, Duffy, Eakin, Edgerton, Evans, Finney, Fraser, Goodale, Graves, Hendricks, Kent, Keys, Lindsey, McCoy, McKusick, Neff, Oulton, Perkins, Spencer, and Turner—22.

NOES—Messrs. Bartlett, DeHaven, Dyer, Farley, Irwin, Martin, McCune, McMurry, O'Connor, Pendegast, Roach, and Tuttle—12.

Assembly Bill No. 5—An Act to amend the Penal Code, by adding two new sections, to be designated sections two hundred and nine and two hundred and ten.

Indefinitely postponed.

Senate Bill No. 327—An Act regulating township officers in Tuolumne County.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 356—An Act to grant the right to construct a wagon road in San Diego County.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 372—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Yolo.

Read third time and passed.

Assembly Bill No. 343—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Sutter, approved March twenty-ninth, eighteen hundred and seventy.

Read third time and passed.

Senate Bill No. 158—An Act for the relief of John Hoagland and others.

Amendments adopted in Committee of the Whole concurred in, rules suspended, considered engrossed, read third time, and passed.

Senate Concurrent Resolution No. 6—to cheapen telegraphic communication.

Ordered sixth on the file for Monday, the ninth instant.

Senate Concurrent Resolution No. 50—concerning the improvement of the harbor of Oakland.

Passed on file.

Assembly Bill No. 393—An Act in relation to public schools in Marin County.

Read third time and passed.

Senate Bill No. 364—An Act to provide for the election of a District Assessor and a District Collector for Ukiah School District, in Mendocino County.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 366—An Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 370—An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the City of Los Angeles, to build and establish a County Almshouse and Hospital thereon, and to issue bonds for the payment thereof.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 306—An Act for the relief of W. W. Brown, administrator of the estate of E. L. Brown, deceased.

Passed on file.

Senate Bill No. 253—An Act for the relief of Catharine Connolly.

On motion of Mr. Duffy, it was ordered that the bill retain its marginal number on the General File for Monday next.

Mr. Graves moved to suspend the rules, to order Senate Bill No. 387 engrossed, out of its order.

So ordered.

At one o'clock P. M. the Senate took a recess.

## REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

[Mr. Pendegast in the chair.]

Senate Bill No. 52—An Act to amend section four hundred and nineteen, and to add certain new sections to the Civil Code.

Amendments adopted in Committee of the Whole concurred in, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 348—An Act to amend an Act entitled an Act to incorporate the Town of Colusa.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 345—An Act to amend section twelve hundred and thirty of the Penal Code.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 260—An Act granting right of way to Sierra Iron Company.

Read third time, and passed.

## REPORTS.

Mr. McMurry made a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 76—An Act for the relief of A. A. Bennett, Architect of the State Armory and Governor's Mansion;

Also, Senate Bill No. 161—An Act to prevent the sale of intoxicating beverages on election days;

Also, Senate Bill No. 193—An Act making appropriation for the payment of certain claims in favor of John A. Breuner;

Also, Senate Bill No. 167—An Act in relation to the care of orphan and abandoned children;

Also, Senate Bill No. 61—An Act to amend section twenty-nine hundred and fifty-eight of the Political Code;

And have presented the same to the Governor, for his approval, this day, at one o'clock P. M., and at the same hour delivered to the Governor Senate Concurrent Resolution No. 42—relative to furnishing arms by the General Government.

McMURRY, Chairman.

By Mr. Bush:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 387—An Act concerning the execution of final process in certain cases.

BUSH, for Committee.

By Mr. Edgerton, by leave:

MR. PRESIDENT: Your Committee on State Library, to whom was referred Senate Bill No. 358—An Act to provide for the purchase of certain portraits—respectfully report that they have had the same under consideration, and they herewith report the same back with certain amendments appended thereto, and recommend the passage of the bill as amended.

EDGERTON, Chairman.

## GENERAL FILE RESUMED.

Senate Bill No. 315—An Act to quiet title to certain salt marsh and tide lands in Contra Costa County.

Ordered engrossed.

Senate Bill No. 337—An Act relating to jury trials.

Indefinitely postponed.

Senate Bill No. 371—An Act to add a new section to the Code of Civil Procedure.

Indefinitely postponed.

Senate Bill No. 353—An Act to amend section four thousand and one of the Political Code.

Rules suspended, considered engrossed, read a third time, and passed.

Senate Bill No. 359—An Act to add another section to the Penal Code.

Amendments adopted, and ordered engrossed.

[President in the chair.]

Senate Bill No. 281—An Act providing for the determination of actions for the recovery of the possession of lands and tenements, for rents and profits growing out of the same, and for damages for the withholding thereof in certain cases.

Ordered engrossed.

Senate Bill No. 362—An Act to amend section three hundred and thirty-nine of the Code of Civil Procedure.

Ordered to top of file for to-morrow.

Assembly Bill No. 22—An Act to amend the Political Code by adding thereto certain sections, to be designated as sections thirty-three hundred and eighty-eight, thirty-three hundred and eighty-nine, thirty-three hundred and ninety, and thirty-three hundred and ninety-one.

Indefinitely postponed.

Assembly Bill No. 258—An Act relating to conveyances of real estate.

Read third time, and passed.

Assembly Bill No. 257—An Act to add section eleven hundred and sixty-five to the Civil Code.

Amendment adopted, read third time, and passed.

Senate Bill No. 349—An Act to authorize the Controller to issue duplicate warrants.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 352—An Act to authorize the State Controller to issue a duplicate warrant.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 316—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Santa Clara County.

Read third time, and passed.

Assembly Bill No. 208—Passed on file.

Assembly Bill No. 167—An Act for the protection and preservation of fish in the waters of the several bays and creeks of this State.

The Senate refused to pass the bill.

Senate Bill No. 293—An Act for the protection of quail in the Counties of San Mateo, Contra Costa, Alameda, Marin, Santa Clara, San Joaquin, and Sacramento.



The Senate refused to engross the bill.

Senate Bill No. 321—An Act for the protection of game and fish.

Amendment adopted.

Passed on file.

Assembly Bill No. 350—An Act to authorize the Board of Supervisors of Mariposa County to allow compensation to Manuel De Silva and brother, for maintaining a ferry.

Read third time, and passed.

Assembly Bill No. 221—An Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte, approved March fourth, eighteen hundred and seventy-two.

Read third time, and passed.

Senate Bill No. 384—An Act authorizing the Trustees of Santa Barbara School District, of the County of Santa Barbara, to issue bonds of said district for school purposes.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 296—An Act regulating the sale of mineral lands belonging to the State.

Amendments adopted in the Committee of the Whole, concurred in, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 375—An Act for the relief of David C. Norcross, Sheriff of San Luis Obispo County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Concurrent Resolution No. 34—relative to an increase of service on Mail Route Number Forty-six Thousand Two hundred and Sixty-five.

Read third time, and adopted.

[Mr. Pendegast in the chair.]

Mr. Laine, by leave, submitted a report, as follows:

MR. PRESIDENT: The Santa Clara delegation, to whom was referred Senate Bill No. 265—An Act concerning roads and highways in the County of Santa Clara—now report the same back, and recommend that the Senate concur in all the amendments made to said bill in the Assembly, except the first, it being an amendment to section four of the bill.

LALINE, for Delegation.

On motion of Mr. Laine all the amendments to the bill were concurred in, except the amendment to section four of the bill.

Senate Bill No. 93—An Act to amend section two hundred and eighty-eight of the Civil Code, concerning the existence of corporations.

Indefinitely postponed.

Senate Bill No. 376—An Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 123—An Act to authorize the City of Los Angeles to issue bonds to purchase railroad depot and workshop grounds.

Amendments adopted, rules suspended, considered engrossed, read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Oulton, Bush, and Duffy, and the Senate refused to pass the bill, by a vote as follows:

**AYES**—Messrs. Beck, Boggs, Crane, Duffy, Goodale, Kent, Martin, and McCoy—8.

**NOES**—Messrs. Bartlett, Bush, DeHaven, Dyer, Evans, Farley, Fraser, Graves, Hendricks, Keys, Laine, Lindsey, McCune, McKusick, McMurry, Neff, Oulton, Pendegast, Spencer, and Turner—20.

Mr. Bush gave notice that he would, on to-morrow, move to reconsider the vote whereby the Senate refused to pass the bill.

Mr. Boggs, pursuant to previous notice, moved to reconsider the vote whereby the Senate, on yesterday, passed Senate Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

The motion to reconsider was lost.

Senate Bill No. 207—An Act to amend section four hundred and eighty-nine of the Civil Code.

Indefinitely postponed.

Senate Bill No. 49—An Act to amend section four hundred and eighty-nine of the Civil Code of the State of California.

Indefinitely postponed.

Assembly Bill No. 337—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa.

Read third time and passed.

Assembly Bill No. 173—An Act concerning certain public reservations in the City and County of San Francisco.

Amendments adopted, amended, read third time, and passed.

Assembly Bill No. 271—An Act for the relief of Center School District, County of Solano.

Read third time and passed.

Assembly Bill No. 118—An Act to provide for copying the mutilated maps on file in the office of the Recorder of the City and County of San Francisco.

Indefinitely postponed.

Assembly Bill No. 428—An Act to repeal all special road laws in the County of Fresno.

Read third time and passed.

Assembly Bill No. 265—An Act to confer further powers and privileges upon the Trustees of Los Nietos Collegiate Institute.

Read third time and passed.

Assembly Bill No. 149—An Act amendatory of and supplementary to an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two.

Read third time and passed.

On motion of Mr. Farley, the Committee on Corporations were authorized to order four hundred and eighty copies of the testimony taken before that committee printed.

Mr. Dyer moved that the rules be suspended, and Senate Bill No. 377 be ordered transmitted to the Assembly without engrossment.

So ordered.

At four o'clock and forty-five minutes, P. M., on motion of Mr. Graves, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 7th, 1874. }

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Mr. Hopkins was granted leave of absence for one day.

## REQUEST GRANTED.

Mr. Roach requested to have his vote recorded in the affirmative on the confirmation of J. Mora Moss as Regent of the University of California.

So ordered.

## REPORTS.

Reports were submitted as follows:

By Mr. Neff:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 262—An Act to provide for payment of attorneys' fees.

Also, Senate Bill No. 274—An Act in relation to the revision of the laws

Also, Senate Bill No. 342—An Act concerning the selection and sale of University lands.

NEFF, Chairman.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on the Judiciary have had under consideration Assembly Bill No. 194—An Act to amend the Code of Civil Procedure relative to liens of mechanics and others upon real property—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 288—An Act amendatory of the Code of Civil Procedure of the State of California, by adding thereto a section, to be designated as section twelve hundred and seventy-nine—and report the same back, and recommend its passage.

Also, Assembly Bill No. 230—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts—and report the same back, with a recommendation, from a majority of the committee, that the bill do not pass.

Also, Senate Bill No. 256—An Act making an appropriation for the payment of the unpaid salaries of the Code Commissioners, clerical labor, and other expenses, incurred by the State under the Act approved March twenty-second, eighteen hundred and seventy-two—and a majority of the committee report the same back, with amendments, and

respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

The committee report, and ask leave to introduce, a bill to amend section three hundred and seventy of the Penal Code, by adding a subdivision on the subject of "Public Nuisances"—intended to prevent the running of sawdust into the non-navigable streams of this State—and respectfully recommend its passage.

PENDEGAST, Chairman.

By Mr. Goodale:

Mr. PRESIDENT: The Committee on Public Morals have had under consideration Senate Bill No. 391—An Act to prohibit the sale of intoxicating liquors within one and one half miles of the California College, in Solano County—and report the same back, and recommend its passage.

Also, Senate Bill No. 379—An Act to amend section three hundred and ninety-seven of the Penal Code—and report the same back, and recommend its passage.

GOODALE, Chairman.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred a resolution allowing the Committee on Public Buildings to appoint a clerk, have had the same under consideration, and herewith report it back with a substitute, and recommend the adoption and passage of the substitute.

McMURRY, Chairman.

#### SUBSTITUTE.

*Resolved*, That the Committee on Public Buildings and Grounds be and are hereby authorized to appoint a clerk, for one week only, at a per diem of five dollars, payable out of the appropriation for contingent expenses of the Senate.

Adopted.

By Mr. Laine:

Mr. PRESIDENT: The Committee on Public Printing, to whom was referred Senate Bill No. 378—An Act to amend an Act to establish a State Printing Office, and to create the office of Superintendent of Public Printing, approved March twenty-sixth, eighteen hundred and seventy-two—report the same back with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

LAINE, Chairman.

By Mr. Duffy:

Mr. PRESIDENT: The Committee on Roads and Highways, to whom was referred Senate Bill No. 50—An Act regulating public highways in the County of Colusa—have had the same under consideration, and now report the bill back with a substitute, and recommend the adoption and passage of the substitute.

DUFFY, for Committee.



Rules suspended, and the bill above reported taken up, substitute adopted, bill considered engrossed, read a third time, and passed; rules further suspended, and ordered transmitted to the Assembly, without engrossment.

By Mr. Fraser:

Mr. PRESIDENT: The El Dorado delegation, to whom was referred Assembly Bill No. 287—An Act concerning common schools in the City of Placerville—respectfully report the same back, and recommend its passage.

FRASER, for Delegation.

Rules suspended, and the bill above reported taken up, read a third time, and passed.

By Mr. Oulton:

Mr. PRESIDENT: The San Francisco delegation have had under consideration Assembly Substitute for Assembly Bill No. 24—An Act entitled an Act to authorize the Board of Education of the City and County of San Francisco to establish and maintain a labor school in and for said city and county—and a majority of the delegation report the same back, and recommend that it do not pass.

Our main objections to the bill are, that it will involve a large expense, is an experiment of doubtful practicability, and that the present financial condition of the city does not warrant us in making expensive experiments, especially when the benefits arising from such experiments will be confined to so small a number as could receive instruction under the provisions of this Act.

OULTON,  
BARTLETT,  
Of Delegation.

By Mr. Roach:

Mr. PRESIDENT: The undersigned dissents from the majority report of the San Francisco delegation in reference to Substitute for Assembly Bill No. 24—providing for the establishment of a labor school, in connection with the public schools, in that city. He believes that the inauguration of the labor school would be productive of great advantage to the youth of San Francisco, and that its benefits would amply repay any outlays permitted by the bill for its establishment.

PHILIP A. ROACH, of Delegation.

By Mr. Pendegast:

Mr. PRESIDENT: The Lake and Napa delegation, to whom was referred Assembly Bill No. 355—An Act to authorize the transfer and loan of certain funds in the County Treasury of Lake County—report the same back, and recommend its passage.

PENDEGAST, for Delegation.

By Mr. McCune:

Mr. PRESIDENT: The Solano delegation, to whom was referred Assembly Bill No. 455—An Act to amend an Act to reincorporate the City of

Vallejo—would beg leave to report the same back, and recommend its passage.

H. E. McCUNE, for Delegation.

By Mr. Tuttle:

Report of a minority of the Joint Committee of the Senate and Assembly on the State Prison.

The foregoing report [See Appendix for Report of Majority of State Prison Committee] is fully concurred in by us, except that part which relates to the establishment of a Branch State Prison, and to the resolution, which reads as follows:

*Resolved*, That the Board of State Prison Directors be requested to give immediate notice to the contractors for State Prison labor, that all contracts for such labor shall terminate six months after the date of the service of such notice; and that said Board of Directors be further requested to advertise for bids for the labor of the prisoners for two years from the termination of the present contracts.

We are of the opinion that all questions pertaining to the management of the State Prison should be left entirely to the discretion of the Board of Directors, in whose judgment we entertain the fullest confidence.

DAVID GOODALE,  
B. F. TUTTLE,  
THOS. J. ABLES,  
J. D. BYERS.

Report of the sub-committee of the Joint Committee on State Prison Affairs:

The undersigned, members of the committee appointed to examine the books and accounts of the Clerk and Commissary, have discharged the duty assigned them, so far as time would permit, and are pleased to report that they find them systematically and correctly kept. We would suggest the propriety of permitting the supplies for the Commissary Department to be furnished by contract, under the direction of the Board of Prison Directors. We also desire to express our full and entire confidence in the honesty and integrity of the Commissary and the Clerk.

B. F. TUTTLE,  
P. H. RUSSELL.

Reports ordered printed.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 6th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate

Bill No. 240—An Act to legalize certain warrants drawn on the Treasury of Napa County, and to pay certain claims against said county.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 6th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 221—An Act to provide funds for the Town of San Luis Obispo.

Also, Senate Bill No. 282—An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.

Also, Senate Bill No. 227—An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight.

Also, Senate Bill No. 326—An Act to provide for the indexing of certain records of Nevada County.

Also, Senate Bill No. 332—An Act to provide for the payment of the debt incurred in building a school house in the Oro Fino School District, in Siskiyou County.

Also, Senate Bill No. 229—An Act to authorize and empower the Auditor of El Dorado County to allow certain claims against the county.

Also, Senate Bill No. 192—An Act to provide for the location, construction, and maintenance of public roads in the County of Tulare.

Also, Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State.

NEWTON BOOTH,  
Governor.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 7th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Bill No. 299—An Act to amend an Act entitled an Act to reincorporate the Town of San Luis Obispo, approved March fourth, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 357—An Act supplemental to an Act to reorganize the Board of Supervisors of Napa County, and for other purposes, approved February twenty-fifth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 311—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes.

Also, amended and passed Senate Bill No. 164—An Act to incorporate the City of Santa Barbara.

Also, passed Senate Bill No. 339—An Act to provide for the appointment of an additional Notary Public for the County of Los Angeles.

Also, passed Senate Bill No. 127—An Act to promote irrigation in the County of Los Angeles.

Also, refused to pass Senate Bill No. 298—An Act to prevent running sawdust into Brandy Creek, in Shasta County.

Also, amended and passed Senate Bill No. 137—An Act to amend section thirty-three hundred and eighty-two of the Political Code.

Also, adopted Assembly Concurrent Resolution No. 53—requesting the Governor to return Assembly Bill No. 313, for correction of a clerical error.

And refused to recede from its amendments to Senate Bill No. 250—An Act to protect the County Treasuries of certain counties.

J. A. BRUMSEY,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 6th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the fifth instant, concurred in Senate amendment to Assembly Bill No. 202—An Act to authorize the Controller of State to issue duplicate warrants to J. T. Bailey.

Also, concurred in Senate amendment to Assembly Bill No. 237—An Act to protect agriculture in the County of Butte.

Also, concurred in Senate amendment to Assembly Bill No. 136—An Act to amend the Political Code of the State of California.

Also, on the twenty-eighth day of February, passed Assembly Bill No. 272—An Act to amend the Civil Code, by adding a new section, to be designated section thirteen hundred and thirteen.

Also, passed Assembly Bill No. 301—An Act to protect agriculture and to prevent the trespassing of animals in the County of Tehama.

Also, passed Assembly Bill No. 334—An Act to amend the Civil Code, relating to liens.

Also, passed Assembly Bill No. 335—An Act to amend the Civil Code, relating to the liability of landlords.

Also, passed Assembly Bill No. 349—An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims.

Also, passed Assembly Bill No. 374—An Act supplementary to an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one.

Also, passed Assembly Bill No. 420—An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County.

Also, passed Assembly Bill No. 421—An Act supplemental to an Act entitled an Act to create the County of San Benito.

Also, passed Assembly Bill No. 466—An Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto.

Also, on the second day of March, passed Assembly Bill No. 382—An Act to prohibit the feeding of milch cows on still slops, and the sale of milk from cows fed on still slops, and from sick or diseased cows.



Also, on the fourth day of March, passed Assembly Bill No. 452—An Act to regulate the fees of Tax Collector in and for Plumas County.

Also, passed Assembly Bill No. 456—An Act to prevent hogs and goats from running at large in the Town of Amador City, Amador County.

Also, passed Assembly Bill No. 468—An Act to repeal all special road laws in Mendocino County.

Also, passed Assembly Bill No. 463—An Act to fix the salary of the County Judge of Fresno County.

Also, passed Assembly Bill No. 470—An Act reorganizing the Board of Supervisors in the County of Placer, and providing for the election of the same.

Also, passed Assembly Bill No. 472—An Act to encourage the planting and cultivation of oysters.

Also, passed Assembly Bill No. 477—An Act relating to license fees in the County of Sierra.

Also, passed Assembly Bill No. 481—An Act to amend an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 483—An Act to authorize the removal of the bodies of certain deceased persons from the lands of Juan B. Castro, of Monterey County, for burial in the public burying ground.

Also, passed Assembly Bill No. 491—An Act repealing an Act fixing the salary of Superintendent of Public Schools in the County of Los Angeles.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 466, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 420, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 452, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 456, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 470, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 463, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 421, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 483, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 481, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 477, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 491, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 334, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 272, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 335, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 374, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 382, above reported, read first and second times, and referred to the Hospital Committee.

Assembly Bill No. 349, above reported, read first and second times, and referred to the Committee on Claims.

Assembly Bill No. 468, above reported, read first and second times, and ordered on file.

Assembly Bill No. 301, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly Bill No. 472, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly Concurrent Resolution No. 53, above reported, concurred in.

Senate Bill No. 250, above reported, the Chair was authorized to appoint a Senate Committee of Conference, and Messrs. Farley, Tuttle, and Dyer were appointed as such committee.

Senate Bill No. 164, above reported, Assembly amendments concurred in.

Senate Bill No. 137, above reported, Assembly amendments concurred in, and Senate amendments adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By the Judiciary Committee—An Act to amend section three hundred and seventy of the Political Code.

Read first and second times, and ordered on the General File.

By Mr. Keys—An Act to amend section eight hundred and sixty-nine of the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Fraser—An Act regulating the fees of the Justices of the Peace in the several counties of this State.

Read first and second times, and referred to the Committee on State and County Revenue.

By Mr. Hendricks—An Act to add a section to the Political Code of the State of California, providing official custody for the bonds of County Clerks.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Roach—An Act to ratify and confirm certain proceedings of the Board of Supervisors of the City and County of San Francisco.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Fraser—An Act to authorize and empower the County Judge of El Dorado County to fill vacancies in the office of Justices of the Peace in said county.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Pendegast—An Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of the State.

Read first and second times, and ordered to the top of the General File for Wednesday, the eleventh instant.

By Mr. McCoy—An Act to reincorporate the City of San Diego.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Edgerton—An Act concerning the records and papers of the County Clerk's office of the County of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

By Mr. McCoy—An Act legalizing and confirming the boundaries of the school districts in the City of San Diego.

Read first and second times, and, with accompanying documents, referred to the Committee on Education.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Pursuant to previous notice, Mr. Bush moved to reconsider the vote whereby the Senate refused to pass Senate Bill No. 123—An Act to authorize the City of Los Angeles to issue bonds to purchase railroad depot and workshop grounds.

The Senate refused to reconsider the vote.

#### REPORT.

Mr. Tuttle, by leave, submitted a report, as follows:

MR. PRESIDENT: Your Committee of Conference, on the non-concurrence of the Assembly in Senate amendments to Assembly Bill No. 241—An Act to regulate salaries and fix the compensation of certain county officers, in the County of Sonoma—beg leave to report, and make the following recommendation: That the Senate recede from its amendment to section two; that the Senate adhere to its amendment to section six; that the Senate adhere to its amendment to section seven, with a further amendment respectfully suggested by your committee to be added to the section; that the Senate adhere to its amendment to section ten.

PENDEGAST,  
McKUSICK,  
TUTTLE,  
Senate Committee.

DIXON,  
WRIGHT,  
HILL,  
Assembly Committee.

Report adopted.

#### GENERAL FILE.

Senate Bill No. 363—An Act concerning submarine sites for light houses and other aids to navigation on the coast of this State.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 362—An Act to amend section three hundred and thirty-nine of the Code of Civil Procedure.

Ordered to top of the file for Tuesday, the tenth instant.

Senate Bill No. 308—An Act to amend an Act to establish a Code of Civil Procedure.

Read third time and passed.

Assembly Bill No. 269—An Act for the relief of Andrew Wasson, Sheriff of Monterey County.

Read third time and passed.

Senate Joint Resolution No. 6—to cheapen telegraphic communication.

Ordered sixth on file for Tuesday, the tenth instant.

Senate Bill No. 358—An Act to provide for the purchase of certain portraits.

Amendments agreed to in the Committee of the Whole concurred in, rules suspended, considered engrossed, and read third time. On its passage, the ayes and noes were demanded by Messrs. Laine, Goodale, and McMurry, and it passed, by a vote as follows:

AYES—Messrs. Andross, Beck, Boggs, Duffy, Dyer, Edgerton, Farley, Gibbons, Graves, Irwin, Kent, Keys, Martin, McCoy, McKusick, McMurry, O'Connor, Pendegast, Roach, and Spencer—20.

NOES—Messrs. Bartlett, Bush, Crane, Eakin, Fraser, Goodale, Hendricks, Laine, Lindsey, McCune, Oulton, Turner, and Tuttle—13.

Senate Bill No. 341—An Act to amend an Act concerning roads and highways in the County of El Dorado.

Rules suspended, considered engrossed, read third time, and passed.

#### REPORT.

Mr. Neff made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 158—An Act for the relief of John Hoagland and others.

NEFF, Chairman.

#### GENERAL FILE RESUMED.

Assembly Bill No. 111—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors and drivers, and to amend section thirty-two hundred and forty of said Code.

Made special order for Thursday, the twelfth instant, at two o'clock P. M.

Senate Joint Resolution No. 50—concerning the improvement of the harbor of Oakland.

At one o'clock P. M., on motion of Mr. Duffy, the hour of recess was postponed.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Oulton, Gibbons, and Bush, and it was adopted, by a vote as follows:

AYES—Messrs. Beck, Bush, Crane, Duffy, Edgerton, Fraser, Gibbons, Goodale, Graves, Kent, Keys, Laine, Lindsey, Martin, and Turner—15.

NOES—Messrs. Bartlett, Irwin, McCune, McMurry, Neff, O'Connor, Oulton, and Roach—8.

#### REPORT.

Mr. Lindsey, by leave, submitted a report, as follows:

MR. PRESIDENT: The Fresno delegation, to whom was referred Assem-



bly Bill No. 231—An Act to transfer certain funds in the County of Kern—have had the same under consideration, and report the bill back, and respectfully recommend that the same be referred to the Committee on State and County Revenue.

LINDSEY, for Delegation.

#### GENERAL FILE RESUMED.

Senate Bill No. 306—An Act for the relief of W. W. Brown, administrator of the estate of E. L. Brown, deceased.

The Senate refused to order the bill engrossed.

Senate Bill No. 321—An Act for the protection of game and fish.

Recommended to the Committee on Agriculture.

Assembly Bill No. 208—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Los Angeles, and the County of San Diego, and parts of Monterey County, approved February fourteenth, eighteen hundred and seventy-two, and to repeal an Act amendatory thereof, approved March fifth, eighteen hundred and seventy-two.

Mr. McCoy offered a substitute, and moved to recommit the bill and substitute to the Committee on Agriculture.

So ordered.

At one o'clock and twenty minutes P. M., on motion of Mr. Neff, the Senate adjourned until Monday, the ninth instant, at two o'clock and thirty minutes P. M.

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#### IN SENATE.

SENATE CHAMBER,  
Monday, March 9th, 1874. }

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

#### REPORTS.

Reports were submitted, as follows:

By Mr. Bush:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 370—An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the City of Los Angeles, to build and establish a County Almshouse and Hospital thereon, and to issue bonds for the payment of the same.

Also, Senate Bill No. 356—An Act to grant the right to construct a wagon road in San Diego County.

Also, Senate Bill No. 52—An Act to amend section four hundred and nineteen, and to add certain new sections to the Civil Code.

BUSH, for Committee.

By Mr. Finney:

MR. PRESIDENT: Your Committee on Agriculture beg leave to make the following report: Your committee have considered Senate Bill No. 380, and a majority recommend its passage.

Also, Assembly Bill No. 377, and recommend the passage of the same.

Also, Assembly Bill No. 472, and recommend its passage.

Also, Senate Bill No. 347, and recommend that it do not pass.

FINNEY, Chairman.

By Mr. Gibbons:

MR. PRESIDENT: The Committee on Education, to whom was referred Assembly Bill No. 319—An Act to unite Putah School District, in the County of Solano, and Yolo School District, in the County of Yolo—beg leave to report the same back, with an amendment, and recommend the passage of the same as amended.

Also, the passage of Senate Bill No. 404—An Act legalizing and confirming the boundaries of the school districts in the City of San Diego.

Also, Substitute for Senate Bill No. 99—An Act entitled an Act to provide for furnishing the State Normal School building, and paying the indebtedness incurred in the construction thereof, approved March twenty-ninth, eighteen hundred and seventy-two—and recommend the passage of the substitute.

GIBBONS, for Committee.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined, and find correctly engrossed, Senate Bill No. 348—An Act to amend an Act entitled an Act to incorporate the Town of Colusa, approved April fourth, eighteen hundred and seventy.

Also, Senate Bill No. 315—An Act to quiet the title to certain salt marsh and tide lands in Contra Costa County.

Also, Senate Bill No. 353—An Act to amend section four thousand and one of the Political Code.

Also, Senate Bill No. 359—An Act to add another section to the Penal Code.

Also, Senate Concurrent Resolution No. 54—in behalf of Charles M. Blake, late Chaplain in the United States Army.

TUTTLE, for Committee.

By Mr. Boggs:

MR. PRESIDENT: The Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 301—An Act to divide the County of Solano, and to erect within the present limits of said county a new county, to be known as Vallejo County—report the same back with amendment, and recommend the adoption of the amendment and the passage of the bill as amended.

Owing to the illness of some members of the committee, and the constant engagements of others upon other matters, we have not had time to report the reasons for our action at length, but will be prepared to do so in Senate.

BOGGS, Chairman.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 254—An Act to amend sections three hundred and six and three hundred and seven of the Penal Code;

Also, Senate Bill No. 339—An Act to provide for the appointment of an additional Notary Public for the County of Los Angeles;

Also, Senate Bill No. 311—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes;

Also, Senate Bill No. 299—An Act to amend an Act entitled an Act to reincorporate the Town of San Luis Obispo, approved March fourth, eighteen hundred and seventy-two;

Also, Senate Bill No. 357—An Act supplemental to an Act to reorganize the Board of Supervisors of Napa County, and for other purposes, approved February twenty-fifth, eighteen hundred and seventy-four;

And presented the same to the Governor for his approval, on Saturday, March seventh, eighteen hundred and seventy-four, at one o'clock and thirty minutes P. M.

McMURRY, Chairman.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on the Judiciary have had under consideration Assembly Bill No. 102—An Act to amend the Code of Civil Procedure—and report the same back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 312—An Act to repeal the Act creating the office of Public Administrator and Coroner of Stanislaus County, and providing for the performance of the duties of the same by the Superintendent of Public Schools—and report the same back with a substitute therefor, and respectfully recommend the adoption and passage of the substitute.

PENDEGAST, Chairman.

Assembly Bill No. 102, above reported, was taken up under a suspension of the rules, and placed on its passage.

All the amendments recommended by the Committee on the Judiciary adopted in the Committee of the Whole, concurred in, read third time, and passed.

By Mr. Lindsey:

Mr. PRESIDENT: The Fresno delegation, to whom was referred Assembly Bill No. 463—An Act to fix the salary of the County Judge of Fresno County—have had the same under consideration, and report the bill back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

LINDSEY, for Delegation.

Mr. Edgerton verbally reported Senate Bill No. 403—An Act concerning the records and papers of the Clerk's office in the County of Sacramento.

Rules suspended, and the bill taken up and considered engrossed, read third time, and passed.

By Mr. Neff:

MR. PRESIDENT: The Placer delegation, to whom was referred Assembly Bill No. 470—An Act reorganizing the Board of Supervisors in the County of Placer, and providing for the election of the same—have had the same under consideration, and now report the same back, and respectfully recommend its passage.

NEFF, for Delegation.

Rules suspended, and the bill taken up, read third time, and passed.

Mr. Turner verbally reported Assembly Bill No. 477—An Act to regulate fees in the County of Sierra—recommending its passage.

By Mr. Bush:

MR. PRESIDENT: The Los Angeles delegation, to whom was referred Assembly Bill No. 491—An Act repealing an Act fixing the salary of Superintendent of Public Schools in the County of Los Angeles—have had the same under consideration, and beg leave to report it back, and recommend its passage.

BUSH, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 7th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 232—An Act to amend section thirty-nine hundred and twenty-two of the Political Code.

Also, Senate Bill No. 61—An Act to amend section twenty-nine hundred and fifty-eight of the Political Code.

Also, Senate Bill No. 76—An Act for the relief of A. A. Bennett, Architect of the State Armory and Governor's Mansion.

Also, Senate Bill No. 161—An Act to prevent the sale of intoxicating beverages on election days.

Also, Senate Bill No. 167—An Act in relation to the care of orphans and abandoned children.

Also, Senate Bill No. 193—An Act making an appropriation for the payment of certain claims in favor of John A. Breuner.

Also, Senate Bill No. 67—An Act to amend sections seventeen, twelve hundred and five, and fourteen hundred and forty-six of the Penal Code.

NEWTON BOOTH,  
Governor.



## ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 9th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the third instant, passed Assembly Concurrent Resolution No. 42—relative to the Yosemite Valley and Big Tree Grove.

Also, passed Assembly Bill No. 73—An Act to provide for the payment of the indebtedness incurred in repairing and refitting the Capitol.

Also, passed Assembly Bill No. 266—An Act to amend section seven hundred and ninety-eight of the Political Code.

Also, on the fourth instant, passed Assembly Bill No. 493—An Act to provide for the location and better maintenance of roads and highways in the County of Placer.

Also, passed Assembly Bill No. 495—An Act concerning the employment of teachers in Inyo and Mono Counties.

Also, passed Assembly Bill No. 497—An Act to change the name of a county in this State.

Also, passed Assembly Bill No. 494—An Act supplemental to and amendatory of an Act fixing the salaries of certain county officers in the County of Inyo, approved February twenty-eighth, eighteen hundred and seventy-four.

Also, passed Assembly Bill No. 503—An Act legalizing the official acts of Constables in the County of Placer, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four.

Also, passed Assembly Bill No. 504—An Act to amend an Act entitled an Act to create the County of Ventura, to establish the boundaries thereof, and to provide for its organization.

Also, passed Assembly Bill No. 236—An Act to quiet titles to certain land in Yolo County.

Also, on the fifth instant, passed Assembly Bill No. 498—An Act to reincorporate the Town of Woodland.

Also, on the seventh instant, refused to concur in Senate amendments to Assembly Bill No. 221—An Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte, approved March fourth, eighteen hundred and seventy-two.

BRUMSEY,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 9th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the seventh instant, passed Assembly Bill No. 228—An Act to prohibit the collection of accounts for liquors sold at retail.

Also, passed Assembly Bill No. 251—An Act to amend section seventeen hundred and eighty-eight of the Code of Civil Procedure.

Also, passed Substitute for Assembly Bill No. 261—An Act to amend section thirty-four hundred and eighty-two of the Political Code.

Also, passed Assembly Bill No. 385—An Act to add to Title II, Part III, of the Code of Civil Procedure, sections providing for contesting all elections.

Also, adopted Substitute for Assembly Concurrent Resolution No. 31—relative to the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean.

Also, adopted Assembly Concurrent Resolution No. 39—to abolish tariff on quicksilver.

Also, adopted Assembly Concurrent Resolution No. 44—relative to the establishment of a mail route from Reno, in the State of Nevada, to Quincy, in the County of Plumas, State of California.

Also, passed Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code.

Also, passed Assembly Bill No. 264—An Act to amend section twenty-nine hundred and fifty-five of the Civil Code.

Also, passed Assembly Bill No. 274—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure.

Also, passed Substitute for Assembly Bill No. 213—An Act amendatory of and supplemental to an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

Also, adopted Senate Concurrent Resolution No. 47—against granting a further subsidy to the Pacific Steamship Company's line to China.

Also, refused to recede from its amendments to Senate Bill No. 265—An Act concerning roads and highways in the County of Santa Clara.

And the Speaker appointed as Committee of Conference on the part of the House, Messrs. Franck, Rea, and Hay.

J. A. BRUMSEY,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Concurrent Resolution No. 42, above reported, read first and second times, and referred to the Committee on Federal Relations.

Assembly Concurrent Resolution No. 39, above reported, read first and second times, and referred to the Committee on Federal Relations.

Assembly Concurrent Resolution No. 44, above reported, read first and second times, and referred to the Committee on Federal Relations.

Substitute for Assembly Bill No. 73, above reported, read first and second times, and referred to the Committee on Public Buildings and Grounds.

Assembly Bill No. 266, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 503, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 228, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 251, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 193, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 264, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 274, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 493, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 495, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 494, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 504, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 236, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 221, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 497, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly Bill No. 498, above reported, read first and second times, and referred to the Committee on Corporations.

Substitute for Assembly Concurrent Resolution No. 31, above reported, read first and second times, and referred to the Committee on Corporations.

Substitute for Assembly Bill No. 261, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 213, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 385, above reported, read first and second times, and referred to the Committee on Elections.

Senate Bill No. 265, above reported, on motion of Mr. Laine, the Chair was authorized to appoint, as a Committee of Conference, the Santa Clara delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Finney—An Act to enforce the educational rights of children. Read first and second times, laid on the table, and ordered printed.

By Mr. Duffy—An Act authorizing W. W. Brown, administrator of the estate of E. S. Brown, deceased, to sue the State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gibbons—An Act for the protection of buoys and beacons.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Hendricks—An Act concerning indigent sick and insane persons.

Read first and second times, and referred to the Committee on Hospitals.

By Mr. Eakin—An Act supplemental to and amendatory of an Act entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant, approved February seventeenth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read third time, and passed.

By Mr. Keys—An Act to amend an Act entitled an Act to separate



the office of County Recorder from the office of County Clerk, and to regulate the salaries of county officers in the County of Stanislaus, approved March fourth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read a third time, and passed.

By Mr. Dyer—An Act for the repeal of the special road laws of Calaveras County.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read third time and passed.

By Mr. McKusick—An Act to reimburse the several counties of this State for moneys paid for copies of the Codes, and to provide for a more complete distribution thereof.

Read first and second times, and referred to Committee on Finance.

By Mr. Pendegast—An Act for the relief of M. B. Pond.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read third time, and passed.

By Mr. Edgerton—An Act to legalize the State tax and assessment in the several counties in eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Read first and second times, and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Keys offered a resolution as follows:

*Resolved*, That the Committee on Counties and County Boundaries, and the Committee on Judiciary, be and they are hereby requested to return to the Senate all bills now in their respective possessions which relate to the apportionment of the State, on Wednesday morning.

Adopted.

By Mr. Tuttle:

*Resolved*, That the Committee on Finance be authorized to employ a clerk at a per diem of five dollars, payable out of the appropriation for the contingent expenses of the Senate.

Rules suspended, and adopted.

On motion of Mr. Tuttle, the rules were suspended to take up Assembly Bill No. 319—An Act to unite the Putah School District, in the County of Solano, and Yolo School District, in the County of Yolo.

Substitute agreed to in the Committee of the Whole adopted, read third time, and passed.

#### GENERAL FILE.

Senate Bill No. 147—An Act to provide for the sale of certain property belonging to the State.

On motion of Mr. Finney, recommitted to its author with special instructions, and to report the same on Thursday next.

#### REPORTS.

Mr. Tuttle, by leave, submitted a report, as follows:

Mr. PRESIDENT: The Conference Committee, to whom was referred the matter of disagreement between the two Houses on Senate Bill No.



250—An Act to protect the County Treasuries of certain counties—have had the same under consideration, and after a careful examination of the causes of disagreement, have recommended the following amendment to the second Assembly substitute: Amend by inserting in first line after the word "Siskiyou" the words "Calaveras, Amador, and Alpine," and recommend the passage of the said substitute as amended, and that the title be amended to read as in the original bill.

J. T. FARLEY,  
B. F. TUTTLE,  
B. DYER,

Senate Conference Committee.

J. W. McBRIDE,  
J. W. FERGUSON,  
WM. T. CRESSLER,

Assembly Committee.

Report adopted.

Mr. McMurry made the following report:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 137—entitled an Act to amend section three thousand three hundred and eighty-two of the Political Code;

Also, Senate Bill No. 164—entitled an Act to incorporate the City of Santa Barbara;

Also, Senate Bill No. 127—entitled an Act to promote irrigation in the County of Los Angeles;

And have presented the same to the Governor, for his approval, this day, at four o'clock and fifteen minutes P. M.

McMURRY, Chairman.

Mr. Duffy offered the following resolution:

*Resolved*, That when the Senate adjourn this day, it do so out of respect to the memory of that great and good man, Millard Fillmore, ex-President of the United States.

Unanimously adopted.

#### GENERAL FILE RESUMED.

Senate Bill No. 401—An Act recommending to the electors of the State to vote for or against a Convention to revise the Constitution of the State.

Rules suspended, considered engrossed, read third time, and passed, by the following vote:

AYES—Messrs. Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Irwin, Kent, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Spencer, and Turner—29.

NOES—Mr. Tuttle—1.

At five o'clock and seven minutes P. M., on motion of Mr. Duffy, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 10th, 1874. }

Senate met pursuant to adjournment.  
The President in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## REPORTS.

Reports were submitted as follows:

By Mr. Farley:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 387—entitled an Act for the incorporation of the Town of Wheatland—have had the same under consideration, and herewith report the bill back, with the recommendation that it be referred to the Yuba delegation.

FARLEY, Chairman.

The bill was so referred.

By Mr. Kent:

Report of the minority of the Committee on Counties and County Boundaries, on Senate Bill No. 301—creating the County of Vallejo:

MR. PRESIDENT: The minority of the Senate Committee on Counties and County Boundaries having, in connection with the majority of the committee, had under consideration Senate Bill No. 301—entitled an Act creating the County of Vallejo—beg leave to report that they cannot agree with the majority, and submit this as a report of the minority.

The bill, when reduced to plain terms, proposes the segregation of Vallejo Township from Solano County, and the creation of said township into an independent county. The question of public policy which the bill places before this Senate, and to be determined by this body, is one involving the creation of a new county. The startling phenomenon in the proposition is that the people thus to be set out by themselves are unanimously opposed to the measure. In the regular and legitimate order of things, the proposition to set up local government originates in the desire of the people who are to be subject to that government. A true public policy is opposed to the multiplicity of local county governments, involving, as it does, a corresponding multiplicity of officers, county buildings, and the whole range of expensive county machinery. But it sometimes appears that the advantages to be gained counterbalance the impolicy of creating and setting in motion the machinery of a county government; but for a Legislature to force upon a mere fragment of a county a local county government, against the unanimous protest of the people thus to be set apart, as proposed in the bill, would be an act of oppression and injustice. The general provisions of this remarkable bill may be briefly presented as follows:

First—It provides for the division of Solano County, by creating out of the territory of Vallejo Township a new county.

Second—It provides that the county so created shall be released from liability as to all existing indebtedness of Solano County.

Third—It not only forces a county government upon an unwilling people, but gives the new county a name; fixes the terms of its officers, fixes the terms of its Courts, determines what officers it shall have, states the times at which its Board of Supervisors shall meet, and in all respects forces a government dictated to the finest detail.

The objections of the subscribing minority follow this subdivision of the subject under consideration:

First—The present territorial area of Solano County is about nine hundred square miles, while the territorial fragment upon which county government is sought to be forced, has but twenty-one square miles in area. Real estate is the great basis of wealth; personal property is ephemeral. To erect a county upon such limited realty is an absurdity, and plainly contrary to public policy. If these people on these twenty-one square miles had come before this body asking for the privileges of local sovereignty, this minority would have found this consideration of sufficient gravity to justify our opposition. The proposition is reducible to this: eight hundred and eighty miles of territory propose the expulsion, or banishment, or ostracism of twenty miles. In behalf of this proposition a petition is presented, to which is appended thirteen hundred signatures, followed by a remonstrance signed by seventeen hundred. These manifestoes passed under the scrutiny of your committee, and it is admitted, on the part of the friends of the bill, that a majority of the taxpaying voting citizens of Solano County have remonstrated against the passage of this bill, and three hundred and forty of these remonstrants reside outside of the banished township. The minority then propose to expel the majority from the county, force upon that majority a county government, and retain eight hundred and eighty and nine one hundredths ( $880\frac{9}{100}$ ) of the territory.

Second—The proposition to release this township from liability of all indebtedness of the county, is one of doubtful honesty and propriety. As a precedent, it would, if successful, be most dangerous. Your committee fail to perceive the difference, in a legislative sense, between releasing this township and forcing it to assume all the liability. The present debt of the county is about two hundred and fifty thousand dollars. If this Legislature can by law release a township of its proportionate liability, it can confine that liability by law to a township. This bill does in fact confine the liability to the eight hundred and eighty square miles retained by the old county, and this without the official consent of its people. True, certain citizens of that county have come here and said, for the inhabitants of the county, that they are willing to assume this liability; but this is not official and authentic, and will not justify this Senate in forcing this liability upon them. That the debt of the county was credited when its territorial area was intact, and was a lien upon the whole county, to limit and restrict the operation of the liability then incurred, is plainly an impairment of the obligation of a contract. We deny the right of the Legislature to so restrict and limit the operation of this liability.

Third—The proposition in this bill, to force a local government upon a protesting people, is a prostitution of the dignity of self-government. The bill is offensively minute in its details, describing and defining a government much in the tone and spirit a conqueror might be supposed



to assume toward a conquered province. It is in the nature of an enforced self-government. It is as if the Legislature had sentenced these people to a term of self-government, as a penalty, and on their part would be an exercise of local sovereignty under protest; and in all its essential attributes, this is a servitude.

The reasons urged in behalf of a bill open to these objections, will excite curiosity, if they do not challenge the closest interest. The committee gave the parties to the contest a patient hearing. On behalf of the petitioners, it was represented that the City of Vallejo possesses a numerical superiority and ascendancy in the county. In party conventions this ascendancy asserted itself, to the defeat of aspirants in other portions of the county. It also appeared that recently the county seat, by vote of the people, had been removed to Vallejo. It was further intimated that the location of the United States Navy Yard being at Vallejo, gave that city a migratory population; that the naval station brought to that city a class of undesirable people, in the persons of sailors and marines; that these people were disturbers of the peace, often involving the county in expensive criminal prosecutions.

All these things might be admitted, and they would only serve to afford reasons for attaching a larger rural area in political and civil association with city, to govern it and hold it in check. But they are most unstatesmanlike reasons for segregating this small territory and placing upon it the burden of caring for and governing so large a criminal element. If all these representations be true, they point directly away from the provisions of this bill for a remedy; and if they are true, it would seem that a fitting title for this bill would be, "An Act to establish a penal colony." But the respondents deny these things. They show that while the City of Vallejo is dependent chiefly upon the Navy Yard, as an industry, that the mechanics employed there are industrious and law-abiding, as mechanics usually are everywhere. They are citizens of the State, entitled to all the rights of protection guaranteed to other citizens.

The political party consideration is not worthy of respectful notice. Parties change, and whoever votes for the division of a county to adjust party balance, may, in the mutations of party, desire to undo at the next session of this body what he may have done in this.

The recent removal of the county seat is the immediate cause of this upheaval. By its numerical superiority Oakland recently obtained the county seat of Alameda County. The people of Alameda have a cause of action against Oakland, parallel to that brought in the form of this proposed legislation to punish Vallejo; for no disguise, however cunningly contrived, can conceal the plain, blunt fact, that the animus of this bill is retributive. Are we to establish the precedent that cities, successful in the competitive race for the location of a county seat, shall be banished from their territorial relations, and forced to assume the burden of county governments?

No citizen of California regrets that we have a Navy Yard upon this coast. That establishment is not only necessary, but confers pecuniary advantages upon the whole State. If it be true that surrounding this naval station a population, containing a large criminal element, gathers, then the people living on this fragment of twenty square miles may justly claim protection from the State; and in this fact your committee would find an unanswerable argument against the policy of placing the



citizens of Vallejo Township at the social, political, and civil mercy of that population. Your committee fail to find any considerations in favor of the bill worthy to be entertained. Division cannot be asked on the ground of the non-intercourse of the two sections, for the facilities of communication are ample, are open all the year, and are coincident with the lines of commerce and business. Division cannot be based on the ground of a too extended territorial area, because the local sovereignty with which, in the plenitude of generosity, it is proposed to force upon a people, applies to but twenty square miles. Division cannot be urged on the ground of political opinions entertained by the people of the offending city, because this would be ostracism for opinion sake. Division cannot be supported on the consideration that Vallejo Township costs the county a larger sum than is returned in taxes, because this would justify the expulsion of any township in any county similarly circumstanced, and is an overwhelming argument against the bill, when the abstract policy of erecting a new county is considered, for it points to the early bankruptcy of the proposed new county, and the consequent early dissolution of a civil government therein.

For these reasons, the minority recommend that the bill do not pass.

CHARLES KENT.

By Mr. Lindsey:

MR. PRESIDENT: Your committee to whom was referred Substitute for Assembly Bill No. 261—An Act to amend section thirty-four hundred and eighty-two of the Political Code—have had the same under consideration, and now report the same back, and respectfully recommend its passage.

Also, Substitute for Assembly Bill No. 213—An Act amendatory of and supplementary to an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two—and now report the same back, with amendments, and respectfully recommend the adoption of the amendments, and the passage of the same as amended.

Also, Senate Bill No. 206—An Act amendatory of and supplementary to an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two—and now report the bill back, and respectfully recommend that it do not pass.

LINDSEY, for Committee.

By Mr. Beck:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 366—An Act to provide road funds for the Counties of San Luis Obispo and Santa Barbara.

Also, Senate Bill No. 364—An Act to provide for the election of a District Assessor and a District Collector for Ukiah School District, in the County of Mendocino.

Also, Senate Bill No. 327—An Act regulating township offices in Tullahoma County.

Also, Senate Bill No. 345—An Act to amend section twelve hundred and thirty of the Penal Code.

BECK, for Committee.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 281—An Act providing for the determination of actions for the recovery of the possession of lands and tenements, for rents and profits growing out of the same, and for damages for the withholding thereof in certain cases.

Also, Senate Bill No. 352—An Act to authorize the State Controller to issue a duplicate warrant.

Also, Senate Bill No. 384—An Act authorizing the Trustees of Santa Barbara School District, of the County of Santa Barbara, to issue bonds of said district for school purposes.

Also, Senate Bill No. 376—An Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara.

Also, Senate Bill No. 394—An Act to provide for the payment of certain road indebtedness of Tuolumne County.

Also, Senate Joint Resolution No. 50—concerning the improvement of the harbor at Oakland.

Also, Senate Bill No. 358—An Act to provide for the purchase of certain portraits.

Also, Senate Bill No. 296—An Act regulating the sale of mineral lands belonging to the State.

Also, Senate Bill No. 349—An Act to authorize the Controller of State to issue duplicate warrants.

Also, Senate Bill No. 375—An Act for the relief of David C. Norcross, Sheriff of San Luis Obispo County.

TUTTLE, for Committee.

By Mr. Graves:

MR. PRESIDENT: The Ventura delegation, to whom was referred Assembly Bill No. 504—An Act to amend an Act entitled an Act to create the County of Ventura, to establish the boundaries thereof, and to provide for its organization—report the same back, and recommend its passage.

GRAVES, for Delegation.

Mr. Perkins, for the delegation, verbally reported Assembly Bill No. 452—An Act to regulate the fees of Tax Collector in and for Plumas County—recommending its passage.

By Mr. Andross:

MR. PRESIDENT: The Tuolumne delegation, to whom was referred Assembly Bill No. 422—have had the same under consideration, and now report it back, recommending its passage.

ANDROSS, for Delegation.

By Mr. McCune:

MR. PRESIDENT: Your delegation to whom was referred Assembly Bill No. 481—An Act to amend an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two—would report the same back, and recommend its passage.

H. E. McCUNE, for Delegation.

By Mr. Gibbons:

Mr. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 435, beg leave to report the same back, with a substitute, and recommend the passage of the substitute.

Also, a Substitute for Assembly Bill No. 148, and recommend the passage of the substitute.

GIBBONS, for Delegation.

Substitute for Assembly Bill No. 148, taken up under a suspension of the rules, substitute adopted, read a third time, and passed.

Mr. Irwin verbally reported Assembly Bill No. 440—An Act to change the name of a town in Siskiyou County—and recommended its passage.

Rules suspended, and the bill taken up, read a third time, and passed.

By Mr. Crane:

Mr. PRESIDENT: The delegation to whom was referred Assembly Bill No. 387—An Act for the incorporation of the Town of Wheatland—report the same back, and recommend its passage.

CRANE,  
SPENCER,  
Delegation.

Rules suspended, and the bill above reported taken up, read a third time, and passed.

By Mr. Laine:

Mr. PRESIDENT: Your Committee of Conference, appointed to consider Senate Bill No. 265—An Act concerning roads and highways in the County of Santa Clara—have had the same under consideration, and report the same back, with amendments to sections four and twenty-three, and recommend the adoption of said amendments.

LAINÉ,  
For Committee of Senate.  
HAY,  
For Committee of Assembly.

Report adopted.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 10th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the seventh instant, passed Senate Bill No. 230—An Act to make women eligible to educational offices.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 9th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the fifth instant, passed Assembly Bill No. 517—An Act concerning roads and highways in the County of Yolo.

Also, on the sixth instant, passed Assembly Bill No. 340—An Act to provide funds for the City of Oakland.

Also, passed Assembly Bill No. 484—An Act to fix the compensation of certain officers in the County of Marin.

Also, passed Assembly Bill No. 486—An Act to restrict sheep from being herded or roaming at large in certain portions of Lake County.

Also, passed Assembly Bill No. 521—An Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta.

Also, passed Assembly Bill No. 506—An Act concerning roads in the County of Butte.

Also, passed Assembly Bill No. 515—An Act for the relief of W. T. Williams, late District Attorney of Santa Barbara County.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 515, above reported, read first and second times, and referred to the Santa Barbara delegation.

Assembly Bill No. 340, above reported, read first and second times, and referred to the Alameda County delegation.

Assembly Bill No. 506, above reported, read first and second times, and referred to the Butte County delegation.

Assembly Bill No. 517, above reported, read first and second times, and referred to the Yolo County delegation.

Assembly Bills No. 484 and 486, above reported, read first and second times, and referred to the delegations named in the bills.

Assembly Bill No. 521, above reported, read first and second times, and referred to the Committee on Education.

Assembly Bill No. 221, reported on the ninth instant, the Senate refused to recede from its amendments to the bill.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Duffy—An Act providing for the ascertainment and settlement of the claim, if any he has, of John Domingos, for services performed on and material furnished in the construction and repair of the Sacramento Drainage Canal.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time, and passed.

By Mr. Edgerton—An Act in relation to the cabinet of minerals belonging to the State, and other purposes.

Read first and second times, and referred to the Committee on State Library.



By Mr. Farley (by request)—An Act to abolish the office of Architect of the State Capitol building.

Read first and second times, and referred to the Committee on Public Buildings.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Evans offered a concurrent resolution, requesting the special committee appointed under a resolution offered by Mr. Edgerton, and adopted on the fourth day of December, eighteen hundred and seventy-three, in relation to considering the public expenditures, and to report such bill or bills for the retrenchment of the same, as the public welfare demands, to report upon the subject matter of said resolution on Saturday next, or give a valid reason for their failure so to do.

Adopted.

#### GENERAL FILE.

Senate Bill No. 362—An Act to amend section three hundred and thirty-nine of the Code of Civil Procedure.

On the engrossment of the bill the ayes and noes were demanded by Messrs. Neff, Evans, and Perkins, and it was ordered engrossed, by a vote as follows:

AYES—Messrs. Beck, Bush, Crane, Dyer, Eakin, Evans, Fraser, Garratt, Hendricks, Kent, Keys, Martin, McCoy, McMurphy, Neff, Perkins, Spencer, and Turner—18.

NOES—Messrs. Bartlett, DeHaven, Duffy, Edgerton, Farley, Goodale, Hopkins, Laine, Lindsey, McCune, O'Connor, and Tuttle—12.

[Mr. Evans in the chair.]

Senate Bill No. 315—An Act to quiet title to certain salt marsh and tide lands in Contra Costa County.

Read third time and passed.

Senate Bill No. 359—An Act to add another section to the Penal Code.

Read third time and passed.

Senate Bill No. 309—An Act to permit the voters of every township or incorporated city in this State to vote on the question of granting licenses to sell intoxicating liquors.

Amendments agreed to in the Committee of the Whole concurred in.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Fraser, Goodale, and Lindsey, and it was ordered engrossed, by a vote as follows:

AYES—Messrs. Andross, Beck, Boggs, Crane, DeHaven, Duffy, Dyer, Edgerton, Finney, Garratt, Goodale, Hendricks, Kent, Laine, Lindsey, Martin, McCune, McKusick, Neff, O'Connor, Pendegast, Perkins, Spencer, Turner, and Tuttle—25.

NOES—Messrs. Bartlett, Bush, Eakin, Evans, Farley, Fraser, Hopkins, Irwin, Keys, McCoy, and McMurphy—11.

Senate Bill No. 256—An Act making an appropriation for the payment of the unpaid salaries of the Code Commissioners, clerical labor, and other expenses incurred by the State, under the Act approved March twenty-second, eighteen hundred and seventy-two.

Amendments agreed to in the Committee of the Whole adopted.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Laine, Edgerton, and Goodale, and it was ordered engrossed, by a vote as follows:

**AYES**—Messrs. Andross, Bartlett, Beck, Boggs, Crane, DeHaven, Duffy, Eakin, Edgerton, Farley, Finney, Garratt, Graves, Hendricks, Hopkins, Irwin, Kent, Lindsey, Martin, McCoy, McCune, McMurry, Neff, Pendegast, Perkins, and Tuttle—26.

**NOES**—Messrs. Bush, Dyer, Evans, Fraser, Goodale, Laine, McKusick, Spencer, and Turner—9.

Assembly Bill No. 194—An Act to amend the Code of Civil Procedure relative to liens of mechanics and others upon real property.

Passed on the file for one week.

Senate Joint Resolution No. 6—to cheapen telegraphic communication.

Passed on file.

Assembly Bill No. 288—An Act amendatory of the Code of Civil Procedure of the State of California, by adding thereto a section, to be designated as section one thousand two hundred and seventy-nine.

Read third time and passed.

Assembly Bill No. 230—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Fraser, Bush, and Laine, and the Senate refused to pass the bill, by the following vote:

**AYES**—Messrs. Bartlett, Crane, Eakin, Edgerton, Fraser, Garratt, Goodale, Hendricks, Martin, McCune, McKusick, Neff, O'Connor, Perkins, Spencer, and Tuttle—16.

**NOES**—Messrs. Andross, Beck, Boggs, Bush, DeHaven, Duffy, Dyer, Evans, Farley, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, McCoy, Pendegast, and Turner—18.

#### REPORT.

The following report was submitted:

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 230—An Act to make women eligible to educational offices—and have presented the same to the Governor for his approval, this day, at eleven o'clock and forty-five minutes A. M.; and, at the same time, delivered to the Governor Senate Concurrent Resolution No. 47—against granting a further subsidy to the Pacific Mail Steamship Company's line to China.

McMURRY, Chairman.

#### GENERAL FILE RESUMED.

Senate Bill No. 391—An Act to prohibit the sale of intoxicating liquors within one and one half miles of the California College, in Solano County.

Referred to the Judiciary Committee.

Senate Bill No. 379—An Act to amend section three hundred and ninety-seven of the Penal Code.

Ordered engrossed.

Senate Bill No. 378—An Act to amend an Act to establish a State Printing Office, and to create the office of Superintendent of Public Printing, approved March twenty-sixth, eighteen hundred and seventy-two.

Ordered to top of the General File for Thursday, the twelfth instant.

Assembly Bill No. 24—An Act to authorize the Board of Education of the City and County of San Francisco to establish and maintain a labor school in and for said city and county.

Recommitted to the San Francisco delegation.

Assembly Bill No. 468—An Act to repeal all special road laws in Mendocino County.

Read a third time and passed.

Assembly Bill No. 355—An Act to authorize the transfer of certain funds in Lake County.

Read a third time and passed.

Assembly Bill No. 455—An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two.

Read a third time and passed.

Senate Bill No. 395—An Act to amend section three hundred and seventy of the Penal Code.

On motion of Mr. O'Connor, referred to the Committee on Mines and Mining Interests.

Senate Bill No. 253—An Act for the relief of Catharine Connolly.

Ordered engrossed.

Assembly Bill No. 463—An Act to fix the salary of the County Judge of Fresno County.

Amendments agreed to in Committee of the Whole concurred in, read third time, and passed.

Senate Bill No. 404—An Act legalizing and confirming the boundaries of the school districts in the City of San Diego.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 99—An Act supplemental to an Act entitled an Act to provide for finishing the State Normal School building, and pay the indebtedness incurred in the construction thereof, approved March twenty-ninth, eighteen hundred and seventy-two.

Ordered engrossed.

Senate Bill No. 380—An Act to aid in the improvement of the lands of the State Agricultural Society.

On motion of Mr. Laine, ordered to the top of the General File for Thursday, the twelfth instant.

#### RESOLUTION.

Mr. Tuttle, by leave, offered a resolution as follows:

*Resolved*, That the usual number of copies of the majority and minority reports of the Joint Committee on State Prison Affairs, as revised, be ordered printed for the use of the Legislature.

Adopted.

## REPORT.

Mr. McCune, by leave, made the following report:

MR. PRESIDENT: Your delegation to whom was referred Assembly Bill No. 236—An Act to quiet title to certain lands in Yolo County—report the same back, and recommend its passage.

H. E. McCUNE, for Delegation.

## GENERAL FILE RESUMED.

Assembly Bill No. 377—An Act to protect the groves of big trees in the Counties of Fresno, Tulare, and Kern.

Amendment agreed to in Committee of the Whole concurred in, read third time, and passed.

Assembly Bill No. 472—An Act to encourage the planting and cultivation of oysters.

Referred to the Committee on Public Lands.

At one o'clock P. M., the Senate took a recess.

## REASSEMBLED.

At two o'clock P. M., the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

## REPORT.

Mr. Neff made a report, as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 363—An Act concerning submarine sites for light houses, and other aids to navigation on the coast of this State.

Also, Senate Bill No. 401—An Act recommending to the electors of the State to vote for or against a Convention to revise the Constitution of the State.

Also, Senate Bill No. 403—An Act concerning the records and papers of the Clerk's office of the County of Sacramento.

Also, Senate Bill No. 409—An Act supplemental to and amendatory of an Act entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant, approved February seventeenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 341—An Act to amend an Act concerning roads and highways in the County of El Dorado, approved March fifteenth, eighteen hundred and seventy-two.

Also, Senate Bill No. 411—An Act for the repeal of the special road laws of Calaveras County.

Also, Senate Bill No. 413—An Act for the relief of M. B. Pond.

Also, Senate Bill No. 410—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County



Clerk, and to regulate the salaries of county officers, in the County of Stanislaus, approved March fourth, eighteen hundred and seventy-four.

NEFF, Chairman.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 10th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under a suspension of the rules, Assembly Bill No. 581—An Act to incorporate the City of San José—and ordered the same transmitted to the Senate, without engrossment.

JOHN WEBBER,  
Assistant Clerk.

Assembly Bill No. 581, above reported, read first and second times, and referred to the Santa Clara delegation.

SPECIAL ORDERS.

Senate Bill No. 18—An Act to enforce the education of children.

Senate Bill No. 130—An Act to amend the Political Code, and other matters concerning military affairs.

On motion of Mr. Finney, Senate Bill No. 405 was taken from the table, to be considered in conjunction with Senate Bill No. 18, and offered the same as a substitute therefor.

Mr. Farley moved to postpone the consideration of Senate Bill No. 18, and to take up Senate Bill No. 130.

Carried.

It was ordered, on motion of Mr. Finney, that Senate Bills Nos. 18 and 405 be made the special order for Tuesday, the seventeenth instant, at two o'clock P. M.

Senate Bill No. 130 read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Evans, Pendegast, and McMurphy, resulting as follows:

AYES—Messrs. Beck, Boggs, Bush, DeHaven, Eakin, Farley, Goodale, Irwin, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurphy, O'Connor, Oulton, Pendegast, Turner, and Tuttle—20.

NOES—Messrs. Andross, Bartlett, Crane, Duffy, Dyer, Edgerton, Evans, Finney, Fraser, Garratt, Gibbons, Graves, Hendricks, Hopkins, Kent, Keys, Neff, Perkins, Roach, and Spencer—20.

Being a tie vote, the President voted in the negative, and the Senate thus refused to pass the bill.

Mr. Hendricks gave notice that, on to-morrow, he would move to reconsider the vote just taken on the passage of Senate Bill No. 130.

## REPORT.

Mr. Tuttle submitted a report, as follows:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 309—An Act to permit the voters of every township or incorporated city in this State to vote on the question of granting licenses to sell intoxicating liquors.

Also, Senate Bill No. 362—An Act to amend section three hundred and thirty-nine of the Code of Civil Procedure.

Also, Senate Bill No. 256—An Act making an appropriation for the payment of the unpaid salaries of the Code Commissioners, clerical labor, and other expenses incurred by the State under the Act approved March twenty-second, eighteen hundred and seventy-two.

TUTTLE, for the Committee.

At four o'clock and forty-five minutes P. M., on motion of Mr. Duffy, the Senate adjourned.

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IN SENATE.

SENATE CHAMBER,  
Wednesday, March 11th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Oulton presented a petition from lumber dealers and material men in San Francisco, in favor of the passage of Assembly Bill No. 194—relative to liens of mechanics and others upon real property.

Mr. Gibbons presented a petition from Oakland upon the same subject.

Received, and laid upon the table.

By Mr. Duffy—A remonstrance from citizens of Sacramento City against the passage of Assembly Bill No. 2, known as the "Freeman Bill," to regulate fares and freights on railroads.

By Mr. Kent—A remonstrance from citizens of Truckee, Nevada County, upon the same subject.

Petitions received, and referred to the Committee on Corporations, and ordered printed.

By Mr. O'Connor—A remonstrance from citizens of Truckee, Nevada County, against the passage of any bill prohibiting the running of saw-dust into the streams of this State.

Received, and referred to the Committee on Mines and Mining Interests.

By Mr. Roach—A petition from the Trustees of the San Francisco Lying-in Hospital and Foundling Asylum, asking an appropriation of thirty thousand dollars to aid in the erection of suitable buildings for the use of said institution.

Received, and referred to the Committee on Finance, and ordered printed.

#### REPORTS.

Reports were submitted as follows:

By Mr. Lindsey:

Mr. PRESIDENT: Your committee to whom was referred Senate Bill No. 328—An Act in relation to the formation of a new swamp land district—have had the same under consideration, and now report the bill back, with a substitute therefor, and respectfully recommend the adoption of the substitute, and the passage of the same.

LINDSEY,  
For Majority of Committee.

By Mr. Bush:

Mr. PRESIDENT: The Committee on Hospitals, to whom was referred Assembly Bill No. 382—An Act to prohibit the feeding of milch cows on still slops, and the sale of milk from cows fed on still slops, and sick or diseased cows—have had the same under consideration, and beg leave to report it back, without recommendation.

BUSH, for Committee.

By Mr. Hendricks:

Mr. PRESIDENT: The Committee on Mines and Mining Interests, to whom was referred Senate Bill No. 393—An Act for the better protection of the stockholders in corporations, formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining—report the same back, with an amendment to section two, and recommend its passage as amended.

HENDRICKS, Chairman.

By Mr. Boggs:

Mr. PRESIDENT: Your Committee on Counties and County Boundaries have had under consideration Senate Bill No. 41—An Act entitled an Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof;

Also, Senate Bill No. 45—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof; And respectfully report the same back, without recommendation.

BOGGS, Chairman.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on the Judiciary have had under consideration Assembly Bill No. 96—An Act to define the Senatorial Districts of this State, and to apportion the representation thereof—and

report the same back, with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

PENDEGAST, Chairman.

By Mr. Turner:

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 381—An Act to amend sections thirty-nine hundred and seventy-seven and thirty-nine hundred and eighty-five of the Political Code—have had the same under consideration, and now report it back, with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

TURNER, Chairman.

By Mr. Beck:

MR. PRESIDENT: The Monterey delegation, to whom was referred Assembly Bill No. 421—An Act supplementary to an Act entitled an Act to create the County of San Benito—report the bill back, and recommend its passage.

Also, Assembly Bill No. 483—An Act to authorize the removal of the bodies of certain deceased persons from the lands of Juan B. Castro, of Monterey County, for burial in the public burying ground—report the same back, and recommend its passage.

BECK, for Delegation.

By Mr. Oulton:

MR. PRESIDENT: The San Francisco delegation have had under consideration Assembly Bill No. 75—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county—and a majority of the delegation report the same back, and recommend its passage.

OULTON, for Delegation.

Rules suspended, and the bill above reported taken up, read third time, and passed.

By Mr. Bush:

MR. PRESIDENT: The Senate Committee on State Hospitals respectfully report that the institutions named in the following order, located in the City of San Francisco, which received State aid two years ago, were visited and found in the condition named below.

The Home of the Inebriate, since December first, eighteen hundred and seventy-one, to December first, eighteen hundred and seventy-three, received as inmates, subject to all the rules of the establishment, seven hundred and fifty-eight, of which the City of San Francisco, through its Police Judge, committed thirty. This institution receives from the County Fund of San Francisco two hundred and fifty (250) dollars per month. From an examination of the books the committee learn that the actual expense attending the Home of the Inebriate is about four hundred and fifty (450) dollars per month. State aid was furnished during the past two years at the rate of one hundred and sixty-six dol-



lars and sixty-six and one third cents per month, making the total from the State, for the time named, four thousand dollars. From donations, as ascertained by the Superintendent, the amount of one thousand nine hundred and eight dollars was received during the same time, leaving the institution with a slight surplus, but, as learned, the amount expended as noted is but for actual expenses, and repairs to buildings and furniture is not placed in the statement. The building was found neat and cleanly, and apparently in proper hands for the use it is placed to.

San Francisco Female Hospital, located on Clay street, next received the attention of your committee. The physician in charge—Doctor Deane—after explaining the uses to which the hospital was intended for, furnished the following statement as to the number of inmates, amount of receipts and expenditures, and other information that was valuable to aid in the correct compiling of this report:

*San Francisco Female Hospital Physician's Report, for the two years ending December thirty-first, eighteen hundred and seventy-three.*

Admitted .....	371
Discharged cured.....	351
Died.....	3
Remaining .....	17—371
Births .....	207
Other diseases.....	164—371

Of the two hundred and seven births, one hundred and thirty-one were legitimate.

Of the three hundred and seventy-one admitted, one hundred and eighty-three were residents of the County of San Francisco, and one hundred and eighty-eight were residents of other counties of the State.

Besides the above the poor were treated in the dispensary of the hospital every morning from ten to eleven A. M., and when not able to buy medicine it was furnished by the hospital.

(Signed)

C. T. DEANE, M. D.

*San Francisco Female Hospital in account with Anna M. Conkling, Treasurer, for two years, ending December thirty-first, eighteen hundred and seventy-three.*

<i>Receipts.</i>	
State appropriations .....	\$8,750 00
Calico ball.....	2,750 00
Fair .....	2,185 00
Donations ..	2,176 00
	<u>\$15,861 00</u>

<i>Disbursements.</i>	
Rent, gas, water, fuel, medicines, salaries, provisions, expenses of ball, fair, etc.....	\$15,171 00
Cash on hand .....	690 00
	<hr/> \$15,861 00

(Signed)

ANNA M. CONKLING,  
Treasurer S. F. F. H.

The next institution visited was that entitled the San Francisco Foundling and Lying-in Hospital, located on Jessie street, and under the charge of Doctor Hardy. This charitable establishment contained, at the time of your committee's visit, eight children, but had just previously to the visit, accommodated a larger number. The same fact as to the sanitary measures used to prevent disease and to keep the inmates comfortable in other establishments referred to above, can be applied to the San Francisco Foundling and Lying-in Hospital.

The California State Woman's Hospital, located on the corner of Twelfth and Howard streets, had at the time of the visit of the committee, twelve female patients. The building was found in good condition, the apartments, though small, were neat and comfortable. The statement of the surgeon in chief we append, as also that of the Secretary and Treasurer.

*To the honorable the Legislature of the State of California:*

GENTLEMEN: I have the honor to submit the following report of patients treated at the California State Woman's Hospital, from November thirtieth, eighteen hundred and seventy-one, to November thirtieth, eighteen hundred and seventy-three:

Total number patients treated.	Nativity.	Religion.	Where from.														Result.					
	American.....	Foreign .....	Protestant.....	Catholic .....	Alameda .....	Amador .....	Calaveras.....	Humboldt.....	Marin.....	Napa.....	Nevada.....	Sacramento .....	San Francisco.....	San Joaquin .....	Santa Clara.....	Solano.....	Trinity .....	Cured .....	Convalescent .....	Unimproved .....	Died.....	Remaining .....
138	71	67	94	44	16	1	2	3	10	2	1	4	90	3	1	2	3	79	34	3	4	18

JOHN SCOTT, M. D.,  
Surgeon in charge.

*Statement of the expenditures of the California State Woman's Hospital, from December first, eighteen hundred and seventy-one, to December first, eighteen hundred and seventy-three.*

The expenditures during the above period are embraced in the following amounts, viz:

Rent.....	\$1,260 00
Gas .....	131 70
Incidentals.....	669 93
Surgical instruments, drugs, etc.....	467 46
Salaries of House Physician, Matron, nurses, and servants.....	3,661 35
Subsistence.....	3,205 20
Fuel .....	403 50
Furniture, bedding, etc.....	758 69
<b>Total .....</b>	<b>\$10,557 83</b>

NOTE.—The surgeon in chief receives no salary, his services to the institution being gratuitous.

I certify that the foregoing is a correct detailed statement of the expenditures of the California State Woman's Hospital, from December first, eighteen hundred and seventy-one, to December first, eighteen hundred and seventy-three. Under the head of "subsistence" is entered the entire cost of provisioning the hospital. "Incidentals" include all items not properly chargeable to the other accounts.

J. HUNT,

Secretary and Treasurer California State Woman's Hospital.

SAN FRANCISCO, December 20th, 1873.

It became the duty of the committee to also visit the Industrial School, located in the City of San Francisco. In connection with this school is a department located a great distance apart, in the same county, entitled the Magdalen Asylum. Both institutions receive State aid, though they are partially local—in the benefits that the people who live adjacent to them derive—so far as the City and County of San Francisco is concerned. The Industrial School contained, on an average, for eighteen hundred and seventy-three, two hundred and seventeen inmates—boys who had been committed by the police officials for all classes of petty crime. So far as the health and comfort of those incarcerated were observed, all that nature required was furnished, though the committee is of the opinion that some provision should be made to separate the older, and probably more hardened criminals, from those so young in years and crime as to be not aware of the offense committed. The female branch of this establishment is conducted under the charge of the Sisters of Mercy, who, in connection with those received from the authorities, also receive from all portions of the State any female child that the parents or guardians cannot control, and who is disposed to

lead a vicious life. Like all institutions under charge of females, the Magdalen Asylum presents a model of neatness. The inmates are taught, as far as possible, to learn such branches of industry suitable to females, and thereby providing for them a chance to obtain a proper standing in society, and means sufficient to prevent them from again associating with the vicious.

The Protestant Episcopal Church Home, or, as it is more commonly termed, the Old Ladies' Home, was visited. It is but a repetition to state that this establishment, under charge of ladies, shows that all the comfort possible that can be provided for the inmates is given freely, and in such a manner as to make those who enjoy the benefits feel that in their old age and dotage the younger portion of the community see that they are provided for. The number of occupants—fifteen—are of extreme old age, a few exceeding ninety years.

The Ladies Protection and Relief Society, having received and enjoyed the benefits of State bounty, was also visited, and found perfect in every detail. This establishment is for children, without reference to orphanage, and as conducted by the lady managers appears to be of great benefit to mothers, who, through misfortune or other causes, cannot properly care for their offspring.

The committee, finding all so deserving, but at the same time believing that such institutions should be entirely under State control, if State appropriations are made, make no suggestions as to the amount that should be appropriated, or, in fact, the propriety of making any appropriations unless the entire control of the same is given to State officials.

BUSH,  
Chairman of Hospital Committee.

The report was ordered printed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 10th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No 164—An Act to incorporate the City of Santa Barbara.

Also, Senate Bill No. 186—An Act to quiet title to certain lands in Napa and Solano Counties.

Also, Senate Bill No. 357—An Act supplemental to an Act to reorganize the Board of Supervisors of Napa County, and for other purposes, approved February twenty-fifth, eighteen hundred and seventy-four.

Also, Senate Bill No. 299—An Act to amend an Act entitled an Act to reincorporate the Town of San Luis Obispo, approved March fourth, eighteen hundred and seventy-two.

Also, Senate Bill No. 339—An Act to provide for the appointment of an additional Notary Public for the County of Los Angeles.



Also, Senate Bill No. 137—An Act to amend section three thousand three hundred and eighty-two of the Political Code.

Also, Senate Bill No. 211—An Act for the protection of settlers on public lands claimed by the State.

Also, Senate Bill No. 254—An Act to amend sections three hundred and six and three hundred and seven of the Penal Code.

Also, Senate Bill No. 127—An Act to promote irrigation in the county of Los Angeles.

NEWTON BOOTH,  
Governor.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 10th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the seventh instant, passed Assembly Bill No. 147—An Act to amend the Political Code in relation to highways.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 10th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the sixth instant, passed Assembly Bill No. 526—An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for the construction of wagon roads in said county.

Also, passed Assembly Bill No. 530—An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of an Agricultural Park.

Also, on the seventh instant, passed Assembly Concurrent Resolution No. 46—relative to a certain bill pending in Congress, concerning home for Mission Indians in California.

Also, passed Assembly Bill No. 389—An Act for the relief of James P. Sargent.

Also, passed Assembly Bill No. 532—An Act to separate the office of County Recorder from that of County Clerk, in Santa Barbara County.

Also, passed Assembly Bill No. 557—An Act to extend the provisions of the trespass law to San Benito County.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 532, above reported, read first and second times, and referred to the Santa Barbara delegation.

Assembly Bill No. 530, above reported, read first and second times, and referred to the Sonoma County delegation.

Assembly Bill No. 526, above reported, read first and second times, and referred to the Mendocino County delegation.

Assembly Concurrent Resolution No. 46, above reported, read first and second times, and referred to the Committee on Federal Relations.

Assembly Bill No. 557, above reported, read first and second times, and ordered on the General File.

Assembly Bill No. 389, above reported, read first and second times, and referred to the Committee on Claims.

Assembly Bill No. 147, above reported, read first and second times, and referred to the Committee on Roads and Highways.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Farley—An Act in relation to the revenue of the County of Amador.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time, and passed.

Also, an Act in relation to the Board of Supervisors of Amador County.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time, and passed.

Also, an Act to repeal certain Acts in relation to roads in Amador County.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time, and passed.

Also, an Act relative to the treatment and care of the indigent sick of Amador county.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time, and passed.

By Mr. Pendegast—An Act to dispense with copies of the Great Register in certain elections in Napa County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Fraser—An Act to organize the Board of Supervisors and to define their duties in the County of El Dorado.

Read first and second times, and referred to the delegation.

By Mr. Oulton—An Act authorizing and empowering the Board of Supervisors of the City and County of San Francisco to provide for watering streets and roads of said city and county.

Read first and second times, and referred to the delegation.

By Mr. Graves—An Act concerning the surveys of private land claims in California.

Read first and second times, and ordered on file.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Pursuant to notice, Mr. Hendricks moved to reconsider the vote by which the Senate, on yesterday, refused to pass Senate Bill No. 130—An Act to amend the Political Code, and other matters concerning military affairs.

Mr. O'Connor presented a remonstrance from citizens of Nevada County, and Mr. Crane from citizens of Yuba County, against the passage of the bill.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Evans, Oulton, and Laine, and the vote was reconsidered, by a vote as follows:

**AYES**—Messrs. Beck, Boggs, Bush, DeHaven, Eakin, Farley, Goodale, Graves, Hendricks, Irwin, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, O'Connor, Oulton, Pendegast, Turner, and Tuttle—22.

**NOES**—Messrs. Andross, Bartlett, Crane, Duffy, Dyer, Edgerton, Evans, Finney, Fraser, Garratt, Gibbons, Hopkins, Kent, Keys, Neff, Perkins, Roach, and Spencer—18.

On the passage of the bill the ayes and noes were demanded by Messrs. Pendegast, Oulton, and Bush, and it passed, by a vote as follows:

**AYES**—Messrs. Beck, Boggs, Bush, DeHaven, Eakin, Farley, Goodale, Graves, Hendricks, Irwin, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, O'Connor, Oulton, Pendegast, Turner, and Tuttle—22.

**NOES**—Messrs. Andross, Bartlett, Crane, Duffy, Dyer, Edgerton, Evans, Finney, Fraser, Garratt, Gibbons, Hopkins, Kent, Keys, Neff, Perkins, Roach, and Spencer—18.

Mr. Edgerton offered a concurrent resolution authorizing the Enrolling Clerk of the Senate to reënroll Senate Bill No. 191, on account of an error occurring in the original enrolled bill.

Adopted.

On motion of Mr. Oulton, the rules were suspended to take up Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

Amendments adopted, read third time, and passed.

#### REPORTS.

Mr. Finney submitted the following report:

**MR. PRESIDENT:** The San Mateo delegation, to whom was referred Assembly Bills Nos. 465 and 368, respectfully report the same to the Senate with amendments, and recommend their passage as amended.

**FINNEY, for Delegation.**

By Mr. Graves:

**MR. PRESIDENT:** The Santa Barbara delegation, to whom was referred Assembly Bill No. 515—An Act for the relief of W. S. Williams, late District Attorney of Santa Barbara County—report the same back, and recommend its passage.

**W. J. GRAVES, for Delegation.**

By Mr. Pendegast:

**MR. PRESIDENT:** The Judiciary Committee have had under consideration Assembly Bill No. 266—An Act to amend section seven hundred and ninety-eight of the Political Code—and report the same back, and recommend its passage.

**PENDEGAST, Chairman.**

Assembly Bill No. 266, above reported, taken up under a suspension of the rules, read third time, and passed.

By Mr. Laine:

Mr. PRESIDENT: The Santa Clara delegation, to whom was referred Assembly Bill No. 581—An Act to reincorporate the City of San Jose—report the same back with an amendment to section sixty-seven, and recommend the adoption of the amendment, and the passage of the bill as amended.

L A I N E, for Delegation.

Rules suspended, and the bill above reported taken up, amendment adopted, read third time, and passed.

By Mr. Roach:

Mr. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 273—An Act to ratify and confirm the sale of a franchise—have had the same under consideration, and recommend that it do not pass.

They have also had under consideration Senate Bill No. 205—to authorize a party to maintain a ferry—and recommend that it do not pass.

They have also had under consideration Assembly Concurrent Resolution No. 48—asking Congress for the establishment of a lighthouse, etc., on Yerba Buena Island—and recommend its passage.

R O A C H, Chairman.

By Mr. Irwin:

Mr. PRESIDENT: The delegation from Modoc, to whom was referred Assembly Bill No. 446—have had the same under consideration, and now report it back, and recommend its passage.

I R W I N, for Delegation.

Rules suspended, and the above reported bill taken up, read third time, and passed.

[Mr. Perkins in the chair.]

#### GENERAL FILE.

Senate Concurrent Resolution No. 50—concerning the improvement of the harbor of Oakland.

Read third time.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Oulton, Gibbons, and Goodale, and it was adopted, by a vote as follows:

AYES—Messrs. Andross, Bush, Duffy, Dyer, Eakin, Evans, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, Pendegast, Spencer, and Turner—22.

NOES—Messrs. Bartlett, DeHaven, Edgerton, Irwin, McMurry, O'Connor, Oulton, Perkins, Roach, and Tuttle—10.



## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 11th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, adopted, amended, and passed Substitute for Senate Bill No. 56—An Act to amend certain sections of, to repeal certain sections of, and to add certain new sections to, the Political Code of the State of California.

Also, passed Substitute for Senate Bill No. 44—An Act to add two sections to the Political Code.

JOHN WEBBER,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 56, above reported, Assembly amendments concurred in.  
Senate Bill No. 44, above reported, with Assembly amendment.

Mr. Edgerton moved that the consideration of the amendment be placed at the top of the file for to-morrow.

Lost.

On concurring in the amendment, the ayes and noes were demanded by Messrs. Edgerton, McMurry, and Irwin, and the Senate concurred, by a vote as follows:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Evans, Farley, Finney, Fraser, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—35.

NOES—Mr. Edgerton—1.

At one o'clock P. M. the Senate took a recess.

## REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

On motion of Mr. Bush, Assembly Bill No. 382 was referred to the Judiciary Committee.

The rules were suspended to take up Senate Bills Nos. 41 and 45.

Mr. Oulton moved that the bills be indefinitely postponed.

So ordered.

## SPECIAL ORDERS.

Senate Concurrent Resolution No. 48—relative to the return to Congress of the Yosemite Valley and Mariposa Big Tree Grove, etc.

Senate Bill No. 338—An Act to repeal an Act entitled an Act to accept the grant by the United States Government to the State of Cali-

fornia of the Yosemite Valley and Big Tree Grove, and to organize the Board of Commissioners, etc.

The Senate refused to engross Senate Concurrent Resolution No. 48.

On the engrossment of Senate Bill No. 338, the ayes and noes were demanded by Messrs. Irwin, Dyer, and Bush, and the Senate refused, by a vote as follows:

AYES—Messrs. Andross, Crane, Duffy, Dyer, Evans, Fraser, Goodale, Graves, Hopkins, McCune, McMurphy, Spencer, and Turner—13.

NOES—Messrs. Bartlett, Bush, Eakin, Edgerton, Farley, Finney, Hendricks, Irwin, Kent, Keys, Laine, Lindsey, McKusick, O'Connor, Oulton, Pendegast, and Perkins—15.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 11th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted and ordered immediately transmitted, Assembly Concurrent Resolution No. 55, to correct clerical error in Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State.

Also, passed Senate Bill No. 276—An Act to provide for the construction of a railroad from Colfax, in the County of Placer, to Nevada City, in the County of Nevada, and to regulate fares and freights thereon.

JOHN WEBBER,  
Assistant Clerk.

Assembly Concurrent Resolution No. 55, above reported, concurred in.

#### GENERAL FILE RESUMED.

Senate Bill No. 281—An Act providing for the determination of actions for the recovery of the possession of lands and tenements, for rents and profits growing out of the same, and for damages for the withholding thereof in certain cases.

Read third time and passed.

Senate Bill No. 362—An Act to amend section three hundred and thirty-nine of the Code of Civil Procedure.

Read third time, and on the passage of the bill the ayes and noes were demanded by the requisite number, and it passed, by a vote as follows:

AYES—Messrs. Andross, Beck, Bush, Crane, Duffy, Dyer, Eakin, Evans, Fraser, Hendricks, Kent, McCoy, McMurphy, Perkins, Roach, Spencer, Turner, and Tuttle—18.

NOES—Messrs. Bartlett, Boggs, DeHaven, Edgerton, Farley, Finney, Goodale, Graves, Hopkins, Irwin, Keys, Laine, Lindsey, McCune, O'Connor, Oulton, and Pendegast—17.

## REPORT.

Mr. Hendricks submitted a report, as follows:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 415—An Act providing for the ascertainment and settlement of the claim, if any he has, of John Domingos, for services performed on and material furnished in the construction, improvement, and repair of the Sacramento Drainage Canal.

Also, Senate Bill No. 379—An Act to amend section three hundred and ninety-seven of the Penal Code.

Also, Senate Bill No. 253—An Act for the relief of Catherine Connolly.

Also, Senate Bill No. 404—An Act legalizing and confirming the boundaries of the school districts in the City of San Diego.

Also, Senate Bill No. 99—An Act to appropriate money to complete the State Normal School building, and for the improvement of the grounds.

HENDRICKS, for Committee.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. McKusick—An Act to repeal section three thousand seven hundred and four of the Political Code.

Read first and second times, and referred to the Committee on State and County Revenue.

Also, an Act to release the claim of the State of California to certain lands.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Lindsey (by request)—An Act relating to the funds of Swamp Land District Number Eighteen.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Duffy—An Act authorizing the transcribing of certain records in the County of Sacramento.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Pendegast—An Act to regulate the fees of certain officers in the County of Mendocino.

Read first and second times, and ordered on file.

By Mr. Finney—An Act to prohibit the sale of intoxicating drinks to certain persons, and for other purposes.

Read first and second times, and referred to the Judiciary Committee.

## GENERAL FILE RESUMED.

Senate Bill No. 309—An Act to permit the voters of every township or incorporated city in this State to vote on the question of granting licenses to sell intoxicating liquors.

Read third time, and passed.

Senate Bill No. 256—An Act making an appropriation for the pay-

ment of the unpaid salaries of the Code Commissioners, clerical labor, and other expenses incurred by the State, under the Act approved March twenty-second, eighteen hundred and seventy-two.

Read third time, and passed.

Senate Bill No. 312—An Act to repeal the Act creating the offices of Public Administrator and Coroner of Stanislaus County, and provide for the performance of the duties of the same by the Superintendent of Common Schools.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 301—An Act to divide the County of Solano, and to erect within the present limits of said county a new county, to be known as Vallejo County.

On motion of Mr. Duffy made special order for to-morrow, at eleven o'clock A. M.

#### REPORT.

Mr. McMurry submitted a report, as follows:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Substitute for Senate Bill No. 44—An Act to add two sections to the Political Code of California—and have presented the same to the Governor, for his approval, this day, at two o'clock and forty minutes P. M.

McMURRY, Chairman.

#### GENERAL FILE RESUMED.

Assembly Bill No. 491—An Act repealing an Act fixing the salary of Superintendent of Public Schools in the County of Los Angeles.

Read third time, and passed.

Assembly Bill No. 477—An Act relating to license fees in the County of Sierra.

Read third time, and passed.

[Mr. Evans in the chair.]

Senate Bill No. 347—An Act to regulate the management of hogs in certain counties of this State.

Referred to the Stanislaus delegation.

Assembly Bill No. 261—An Act to amend section three thousand four hundred and eighty-two of the Political Code.

Read third time, and passed.

Assembly Bill No. 213—An Act amendatory of and supplemental to an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

Amendments agreed to in the Committee of the Whole concurred in, read third time, and passed.

Senate Bill No. 206—An Act amendatory of and supplementary to an Act entitled an Act to provide for the funding of the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

Indefinitely postponed.



Assembly Bill No. 504—An Act to amend an Act entitled an Act to create the County of Ventura, to establish the boundaries thereof, and to provide for its organization.

Read third time, and passed.

Assembly Bill No. 452—An Act to regulate the fees of Tax Collector in and for Plumas County.

Read third time, and passed.

Assembly Bill No. 422—An Act to provide for the payment of the expenses of carrying on the county government of the County of Inyo.

Read third time, and passed.

Assembly Bill No. 481—An Act to amend an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

Read third time, and passed.

Assembly Bill No. 435—An Act to provide funds for the school department of the Town of Alameda, in the County of Alameda.

Substitute adopted, read third time, and passed.

Assembly Bill No. 236—An Act to quiet titles to certain lands in Yolo County.

Referred to the Judiciary Committee.

Senate Joint Resolution No. 6—to cheapen telegraphic communication.

Rules suspended, considered engrossed, read third time, and passed.

At three o'clock and thirty-five minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Thursday, March 12th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Reports were submitted, as follows:

By Mr. Hopkins:

Mr. PRESIDENT: The Committee on Irrigation and Water Rights, to whom was referred Assembly Bill No. 172—An Act to provide a system of irrigation—respectfully report that they have had said bill under consideration, and recommend its passage.

HOPKINS, Chairman.

By Mr. Gibbons:

Mr. PRESIDENT: The Committee on Education, to whom was referred

Assembly Bill No. 521—An Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta—beg leave to report the same back, and recommend its passage.

GIBBONS, for Committee.

By Mr. Bush:

Mr. PRESIDENT: The Hospital Committee, to whom was referred Senate Bill No. 408—An Act concerning sick and insane persons—have had the same under consideration, and beg leave to report it back, with the recommendation that it do not pass.

BUSH, for Committee.

By Mr. Roach:

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 344—An Act to amend sections three thousand and nine and three thousand and ten of the Political Code—having had the same under consideration, report the same back amended, and recommend its passage as amended.

Also, Assembly Bill No. 367—An Act authorizing the Board of Supervisors of the City and County of San Francisco to examine and pay certain claims—report the same back amended, and recommend its passage as amended.

ROACH, for Delegation.

By Mr. Perkins:

Mr. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 263—An Act for the relief of the Hibernia Greens—respectfully report the same back, with the recommendation that it do not pass.

Also, Senate Bill No. 361—An Act to authorize the settlement of the claim of George K. Porter against the State of California, arising out of State Prison matters. The claimant has appeared before the committee and presented his claim, but at this late day in the session it is impossible for us to give it that consideration that its magnitude demands. We therefore respectfully report the bill back, and recommend the claimant to present the claim to the Board of Examiners for examination, before the next meeting of the Legislature. The claimant has accepted the recommendation of your committee, and we recommend the author have permission to withdraw the bill.

Also, Assembly Bill No. 349—An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims—and report the same back, with a substitute, and respectfully recommend the passage of the substitute.

PERKINS, Chairman.

Subsequently, at the request of Mr. Roach, he was allowed to withdraw Senate Bill No. 361, above reported.

By Mr. Farley:

Mr. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 374—An Act supplementary to an Act entitled an Act to authorize the formation of corporations, to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one—have had

the same under consideration, and report the bill back, and recommend its passage.

FARLEY, Chairman.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on State and County Revenue, to whom was referred Assembly Bill No. 231—An Act to transfer certain funds in the County of Kern—report the bill back with an amendment, recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 424—An Act to repeal section three thousand seven hundred and four of the Political Code—report the bill back, and recommend its passage.

O'CONNOR, Chairman.

By Mr. McKusick:

MR. PRESIDENT: Your Committee on Public Lands, to whom was referred Senate Bill No. 425—An Act to release the claim of the State of California to certain lands—have had the same under consideration, report the same back, and respectfully recommend its passage.

McKUSICK, Chairman.

Mr. Tuttle verbally reported Assembly Bill No. 530—An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of an Agricultural Park—with an amendment, recommending the adoption of the amendment, and the passage of the bill as amended.

By Mr. Gibbons:

MR. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 383—entitled an Act to provide for building a bridge at the mouth of the Bay of San Leandro, in the County of Alameda—beg leave to report a substitute therefor, and recommend the passage of the substitute.

GIBBONS, for Delegation.

By Mr. Keys:

MR. PRESIDENT: The author, to whom was referred Senate Bill No. 147—An Act to provide for the sale of certain property belonging to the State—report the same back, with the amendment, as instructed, recommend the adoption of the amendment, and the passage of the bill.

KEYS,

Author of Senate Bill No. 147.

On motion of Mr. Keys, the rules were suspended to take up the bill above reported.

Mr. Edgerton moved to postpone the consideration of the bill until three o'clock P. M. to-day.

So ordered.

Mr. Pendegast verbally reported Assembly Bill No. 526—An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for the construction of a wagon road in said county—recommending its passage.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 12th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, amended and passed Senate Bill No. 219—An Act to indemnify bona fide settlers on the Yosemite Grant.

Also, passed Substitute for Assembly Bill No. 400—An Act to prevent unjust discrimination by railroad and other transportation companies in the rates charged for the transportation of passengers and freights, and to make the rates of freight and fare uniform.

Also, passed Senate Bill No. 342—An Act concerning the selection and sale of University lands.

Also, passed, under suspension of the rules, Senate Bill No. 411—An Act for the repeal of the special road law of Calaveras County.

Also, adopted Senate Concurrent Resolution No. 55—relative to Joint Committee on Retrenchment.

Also, adopted Senate Concurrent Resolution No. 56—relative to correcting error in enrolled Senate Bill No. 191.

Also, appointed as Committee of Conference on the disagreeing vote on Assembly Bill No. 221—An Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte, approved March fourth, eighteen hundred and seventy-two—Messrs. Gray, Clark, and Wickware.

Also, on the tenth instant, passed Assembly Bill No. 449—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure.

Also, passed Assembly Bill No. 563—An Act to amend an Act entitled an Act to amend an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two, approved February twenty-eighth, eighteen hundred and seventy-four.

Also, adopted report of Committee of Conference on Senate Bill No. 250—An Act to protect the County Treasuries of certain counties.

Also, on yesterday, concurred in Senate amendments to Assembly Bill No. 75—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

Also, concurred in Senate amendment to Assembly Bill No. 148—An Act amendatory of and supplementary to an Act to incorporate the Town of Alameda.

Also, concurred in Senate amendment to Assembly Bill No. 319—An Act to unite Putah School District, in the County of Solano, and Yolo School District, in the County of Yolo.

Also, concurred in Senate amendments to Assembly Bill No. 377—An Act to protect the groves of big trees in the Counties of Fresno, Tulare, and Kern.

Also, concurred in Senate amendments to Assembly Bill No. 463—An Act to fix the salary of the County Judge of Fresno County.

Also, concurred in Senate amendment to Assembly Bill No. 581—An Act to reincorporate the City of San José.



Also, amended and passed Senate Bill No. 2—An Act to establish and maintain a training ship in the City and County of San Francisco.

Also, adopted Senate Concurrent Resolution No. 46—concurrent resolution in relation to mail service between San Diego and Julian Mining District.

Also, adopted Senate Concurrent Resolution No. 52—to authorize the Governor to deliver to D. L. Perkins a certain silver medal and diploma.

Also, refused to pass Senate Bill No. 243—An Act to provide for the payment of the indebtedness of Swamp Land District Number Six, in Tulare County.

Also, amended and passed Senate Bill No. 322—An Act to exempt firemen in Nevada and Siskiyou Counties from the payment of poll taxes.

Also, passed Senate Bill No. 369—An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

Also, passed Senate Bill No. 323—An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, in Sonoma County.

Also, amended and passed Senate Bill No. 385—An Act amendatory of and supplemental to an Act entitled an Act to provide for the better maintenance of the indigent sick of Siskiyou County, approved April twenty-second, eighteen hundred and sixty-one.

Also, passed Senate Bill No. 242—An Act to regulate the salaries and fix the compensation of certain officers in the County of Napa.

Also, passed Senate Bill No. 81—An Act to amend section thirty-nine hundred and twenty-one of the Political Code.

Also, passed Senate Bill No. 404—An Act legalizing and confirming the boundaries of the school districts in the City of San Diego.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 400, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 563, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 449, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 221, above reported, on motion of Mr. Hendricks, the rules were suspended, and the Chair authorized to appoint a Committee of Conference on the disagreeing vote.

Assembly Concurrent Resolution No. 52, above reported, referred to the Committee on Agriculture.

Senate Bill No. 322, above reported, the Senate refused to concur in the Assembly amendments to the bill.

Senate Bill No. 2, above reported, referred to the author, temporarily.

Senate Bill No. 219, above reported, Assembly amendment concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Pendegast—An Act amendatory of and supplementary to an

Act entitled an Act to provide for the establishment and maintenance of public roads in the County of Napa, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read third time, and passed.

By Mr. Lindsey—An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Tulare.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read a third time, and passed.

By Mr. Duffy—An Act to provide for the payment of salaries to the members of the State Board of Examiners for their official term ending December fourth, eighteen hundred and seventy-one.

Read first and second times, and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

##### IN MEMORIAM.

Mr. Pendegast offered a resolution, as follows:

WHEREAS, The telegraph brings us the sad news of the death of another great American statesman—Charles Sumner, of Massachusetts; and whereas, it is in our judgment fitting and right that we should at this moment forget everything else in his character and history except the facts of his great scholarship, his brilliant oratory, his undoubted patriotism, and his incorruptible integrity; therefore, be it

*Resolved*, That when the Senate adjourns this day, it do so out of respect for his memory.

Unanimously adopted.

##### GENERAL FILE.

Senate Bill No. 378—An Act to amend an Act to establish a State Printing Office, and to create the office of Superintendent of Public Printing, approved March twenty-sixth, eighteen hundred and seventy-two.

On motion of Mr. Farley, passed on file for Tuesday next.

##### SPECIAL ORDER.

Senate Bill No. 301—An Act to divide the County of Solano, and to erect within the present limits of said county, a new county, to be known as Vallejo County.

Amendments adopted in Committee of the Whole, concurred in.

Mr. Edgerton offered to amend section one, to read as follows:

Section 1. All that portion of the County of Solano included within the boundaries of the townships known as Vallejo Township, Green Valley Township, and Benicia Township, and delineated as such on a map of said county compiled by J. S. Henning, surveyor and civil engineer, in eighteen hundred and seventy-two, and approved and declared to be the official map of Solano County by resolution of the Board of Supervisors, at their November Term, eighteen hundred and seventy-two—is hereby set off from Solano County, and erected into a new county, to be known as the County of Vallejo.

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Edgerton, Bush, and Kent, and it was lost, by a vote as follows:

**AYES**—Messrs. Bartlett, Crane, Duffy, Edgerton, Finney, Fraser, Goodale, Kent, Neff, Oulton, Perkins, Spencer, and Tuttle—13.

**NOES**—Messrs. Andross, Beck, Boggs, Bush, DeHaven, Dyer, Eakin, Evans, Farley, Graves, Hopkins, Irwin, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, O'Connor, Pendegast, and Roach—23.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Tuttle, Fraser, and Goodale, and it was ordered engrossed, by a vote as follows:

**AYES**—Messrs. Andross, Beck, Boggs, Bush, Dyer, Eakin, Evans, Farley, Graves, Hopkins, Irwin, Keys, Laine, Martin, McCoy, McCune, McKusick, McMurry, O'Connor, Oulton, and Pendegast—21.

**NOES**—Messrs. Bartlett, Crane, DeHaven, Duffy, Edgerton, Finney, Fraser, Goodale, Kent, Neff, Perkins, Roach, Spencer, and Turner—14.

Senate Bill No. 380—An Act to aid in the improvement of the lands of the State Agricultural Society.

At one o'clock P. M., on motion of Mr. Lindsey, the hour of recess was postponed.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Laine, Tuttle, and Lindsey, and it was ordered engrossed, by a vote as follows:

**AYES**—Messrs. Beck, Boggs, Duffy, Edgerton, Farley, Fraser, Hendricks, Hopkins, Irwin, Keys, Martin, McCoy, McCune, McMurry, Neff, Pendegast, Roach, and Spencer—18.

**NOES**—Messrs. Bartlett, Bush, Crane, Dyer, Eakin, Evans, Finney, Kent, Laine, Lindsey, O'Connor, Oulton, Turner, and Tuttle—13.

At one o'clock and twenty-five minutes P. M., on motion of Mr. Duffy, the Senate took a recess until two o'clock and thirty minutes P. M.

#### REASSEMBLED.

At two o'clock and thirty minutes P. M., the Senate reassembled. President in the chair.

Roll called, and a quorum present.

Mr. Roach verbally reported Senate Bill No. 2—An Act to establish and maintain a training ship in the City and County of San Francisco.

Assembly amendment concurred in.

#### INTRODUCTION OF BILLS.

Bills were, by leave, introduced as follows:

By Mr. Oulton—An Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco.



Read first and second times, referred to the delegation, and ordered printed.

By Mr. Graves—An Act to amend sections six hundred and sixteen and six hundred and seventeen of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Boggs—An Act to provide for the payment of certain Controller's warrants.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Edgerton—An Act to legalize certain proceedings in Reclamation District Number One Hundred and Twenty-four.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act to amend the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act to amend the Political Code.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act to amend the Civil Code.

Read first and second times, and referred to the Judiciary Committee.

#### REPORTS.

Reports were submitted as follows:

By Mr. Beck:

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Substitute for Assembly Bill No. 73—An Act to provide for the payment of the indebtedness incurred in the repairing and refitting the State Capitol—have had the same under consideration, report the bill back, and recommend its passage.

Also, Senate Bill No. 417—An Act to abolish the office of Architect of the State Capitol Building—report the bill back, and recommend its passage.

BECK, for Committee.

By Mr. Bush:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 418—An Act in relation to the revenue of the County of Amador.

Also, Senate Bill No. 419—An Act to repeal certain acts in relation to roads in Amador County. Also, an Act relative to the treatment and care of the indigent sick of said county.

Also, Senate Bill No. 420—An Act in relation to the Board of Supervisors of Amador County.

Also, Senate Bill No. 421—An Act to dispense with copies of the Great Register in certain elections in Napa County.

Also, Senate Concurrent Resolution No. 6—to cheapen telegraphic communication.

BUSH, for Committee.

Mr. Duffy verbally reported Senate Bill No. 333—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—recommending its passage.



By Mr. Evans:

Mr. PRESIDENT: The San Joaquin delegation, to whom was referred Assembly Bill No. 420—An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County—after duly considering the bill, beg leave to report the same back to the Senate, with sundry amendments thereto, and respectfully recommend the adoption of the amendments, and the passage of the bill, when so amended.

EVANS, for Delegation.

Rules suspended, and the bill above reported taken up, amendments adopted, read third time, and passed.

#### SPECIAL ORDER.

Assembly Bill No. 111—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors and drivers, and to amend section thirty-two hundred and forty of said Code.

On motion of Mr. Keys, the special order set for three o'clock P. M. was postponed until after Assembly Bill No. 111 was disposed of.

Assembly Bill No. 111 read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Roach, Edgerton, and McMurry, and it passed, by a vote as follows:

AYES—Messrs. Bartlett, Crane, Duffy, Edgerton, Finney, Fraser, Hendricks, Kent, Lindsey, McCune, McKusick, McMurry, Neff, O'Connor, Perkins, Roach, Spencer, and Turner—18.

NOES—Messrs. Andross, Beck, Bush, Dyer, Evans, Farley, Goodale, Graves, Keys, Laine, McCoy, Pendegast, and Tuttle—13.

Mr. Duffy gave notice of a motion to reconsider the vote whereby the bill passed.

#### REPORTS.

Mr. Tuttle submitted a report, as follows:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 312—An Act concerning the offices of Public Administrator, Coroner, and Superintendent of Public Schools, in the County of Stanislaus.

Also, Senate Bill No. 427—An Act authorizing the transcribing of certain records in the County of Sacramento.

Also, Senate Bill No. 431—An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Tulare.

TUTTLE, for Committee.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 276—An Act to provide for the construction of a railroad from Colfax,

in the County of Placer, to Nevada City, in the County of Nevada, and to regulate fares and freights thereon;

Also, Senate Bill No. 342—An Act concerning the election and sale of University lands;

Also, Senate Bill No. 323—An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, in Sonoma County;

Also, Senate Bill No. 369—An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight;

Also, Senate Bill No. 411—An Act for the repeal of the special road law of Calaveras County;

Also, Senate Bill No. 56—An Act to amend certain sections of, to repeal certain sections of, and to add certain new sections to, the Political Code of the State of California;

And have presented the same to the Governor, for his approval, this day, at two o'clock and fifty minutes P. M.

McMURRY, Chairman.

#### SPECIAL ORDER.

Senate Bill No. 147—An Act to provide for the sale of certain property belonging to the State.

Amendment adopted.

Mr. Tuttle moved to indefinitely postpone the bill, on which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Andross, Bartlett, Beek, Boggs, Crane, Duffy, Edgerton, Farley, Fraser, Graves, Hendricks, Kent, Martin, McCoy, McCune, McKusick, McMurry, Neff, Perkins, Roach, Spencer, and Tuttle—22.

NOES—Messrs. Bush, Finney, Goodale, Keys, Laine, Lindsey, O'Connor, and Turner—8.

Mr. Bartlett moved to take from the table Assembly Bill No. 344—An Act to amend sections three thousand and nine and three thousand and ten of the Political Code.

Carried.

Read third time, and passed.

The President appointed Messrs. Hendricks, Perkins, and DeHaven, as a Senate Committee of Conference on Assembly Bill No. 221.

At four o'clock and forty-five minutes P. M., on motion of Mr. Fraser, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER,

Friday, March 13th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Mr. Gibbons was granted indefinite leave of absence.

## REPORTS.

The following reports were submitted:

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 301—An Act to divide the County of Solano, and to erect within the limits of said county a new county, to be known as "Vallejo County."

NEFF, Chairman.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Education have considered Senate Bill No. 316—An Act to amend certain sections and to repeal certain sections of the Political Code, relating to the government of the State Normal School—and report the same back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

TUTTLE, for Committee.

By Mr. Farley:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 402—An Act to reincorporate the City of San Diego—have had the same under consideration, and report the bill back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

FARLEY, Chairman.

Rules suspended, and the bill above reported taken up, amendments adopted, rules further suspended, considered engrossed, read third time, and passed.

By Mr. Hendricks:

MR. PRESIDENT: The Committee on Mines and Mining Interests, to whom was referred Senate Bill No. 395, have, in considering the same, found that the only change from the existing laws is at the expense of an important industrial interest in providing against running sawdust into "non-navigable" streams. While we are loth to interfere with that which is a pleasure to any, and are willing that lazy hours should be whiled away in sleepy watching for a nibble, or more grandly,

"Bait their hook with dragon tail,  
Set upon a rock, and bob for whale,"

Yet disapprove of the pastime being enjoyed at the expense of the great lumber interest of the State; therefore report that it do not pass.

HENDRICKS, Chairman.

Mr. Goodale, for the delegation, verbally reported Assembly Bill No. 484—An Act to fix the compensation of certain officers in the County of Marin, recommending its passage.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 12th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under suspension of the rules, Assembly Bill No. 612—An Act to amend an Act entitled an Act to reorganize the Supervisor Districts of the County of Monterey—and ordered the same transmitted without engrossment.

JOHN WEBBER,  
Assistant Clerk.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eleventh instant, passed Assembly Bill No. 548—An Act relating to the Supervisors of San Joaquin County.

Also, on this day, concurred in Senate amendments to Assembly Bill No. 96—An Act to define the Senate and Assembly Districts of this State, and to apportion the representation thereof.

Also, adopted the report of the Committee of Conference on Senate Bill No. 265—An Act concerning roads and highways in the County of Santa Clara.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 612, above reported, read first and second times, and ordered on the General File.

Assembly Bill No. 548, above reported, read first and second times, referred to the delegation, subsequently reported by Mr. Evans, passage recommended, rules suspended, read third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Keys—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers, in the County of Merced.

Read first and second times, and ordered on file.

Also, An Act to authorize the Board of Supervisors of Stanislaus County to transfer certain funds.

Read first and second times, and ordered on file.

By Mr. McMurry—An Act to authorize and empower the Board of Supervisors of the County of Trinity to fix the rates of tolls on certain wagon roads.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read third time, and passed.



By Mr. Boggs—An Act amending sections three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and ninety-three, and three thousand seven hundred and twenty-eight of the Political Code.

Read first and second times, and referred to the Committee on State and County Revenue.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Laine offered a concurrent resolution, as follows:

*Resolved by the Senate, the Assembly concurring,* That the joint committee of the two Houses to investigate the affairs of the State University be and they are hereby authorized to employ a phonographic reporter for such number of days as he shall be actually employed; said reporter to receive for all his services, including the taking and transcribing of testimony, a sum not to exceed eight dollars per day, payable out of the Joint Contingent Fund of the Senate and Assembly.

#### Adopted.

Pursuant to notice, Mr. Duffy moved to reconsider the vote whereby the Senate, on yesterday, refused to pass Assembly Bill No. 111—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors and drivers, and to amend section three thousand two hundred and forty of said Code.

On which, the ayes and noes were demanded by Messrs. Neff, Duffy, and Goodale, and the Senate refused, by a vote as follows:

AYES—Messrs. Andross, Beck, Boggs, Bush, Duffy, Eakin, Evans, Farley, Garratt, Goodale, Graves, Keys, Laine, McCoy, and Perkins—15.

NOES—Messrs. Bartlett, Crane, Edgerton, Finney, Hendricks, Irwin, Kent, Lindsey, Martin, McKusick, McMurry, Neff, O'Connor, Roach, Spencer, and Turner—16.

Mr. Pendegast offered a resolution providing for the preparing of a General and Special File, from and after Thursday, March nineteenth, at which time the Senate will hold evening sessions, to consider the Special File, etc.

Laid over one day, under the rule.

#### GENERAL FILE.

Senate Bill No. 253—An Act for the relief of Catherine Connolly.

Read third time; on the passage of the bill, the ayes and noes were demanded by the requisite number, and it passed, by a vote as follows:

AYES—Messrs. Beck, Crane, Duffy, Dyer, Farley, Fraser, Garratt, Graves, Hendricks, Hopkins, Kent, Lindsey, Martin, McCoy, McCune, McMurry, Neff, O'Connor, Pendegast, Perkins, Spencer, Turner, and Tuttle—23.

NOES—Messrs. Bartlett, Bush, Finney, Goodale, Keys, and Laine—6.

Senate Bill No. 379—An Act to amend section three hundred and ninety-seven of the Penal Code.

Read third time and passed.

Senate Bill No. 99—An Act supplemental to an Act entitled an Act to provide for furnishing the State Normal School building, and pay the indebtedness incurred in the construction thereof, approved March twenty-ninth, eighteen hundred and seventy-two.

Read third time, and passed.

Senate Bill No. 328—An Act in relation to the formation of a new swamp land district.

Referred to the Judiciary Committee.

Senate Bill No. 393—An Act for the better protection of the stockholders in corporations, formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining.

Recommitted to its author.

Assembly Bill No. 421—An Act supplementary to an Act entitled an Act to create the County of San Benito.

Read third time, and passed.

Assembly Bill No. 483—An Act to authorize the removal of the bodies of certain deceased persons from the lands of Juan B. Castro, of Monterey County, for burial in the public burying ground.

Read third time, and passed.

Assembly Bill No. 515—An Act for the relief of W. T. Williams, late District Attorney of Santa Barbara County.

Read third time, and passed.

Assembly Bill No. 557—An Act to extend the provisions of the trespass law to San Benito County.

Read third time, and passed.

Assembly Bill No. 368—An Act to authorize the Board of Trustees of Redwood City to extend and open Stambaugh street, in said town, from the intersection of said street with the west side of Maple street to its intersection with Main street, and to condemn private property for the roadway of said street.

Amendments adopted, read third time, and passed.

Senate Joint Resolution No. 57—Concerning the surveys of private land claims in California.

Ordered engrossed.

Assembly Bill No. 466—An Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto.

Amendment adopted, read third time, and passed.

Senate Bill No. 205—An Act to authorize a party therein named to establish and maintain a ferry.

The Senate refused to engross the bill.

Senate Bill No. 381—An Act to amend sections three thousand nine hundred and seventy-seven and three thousand nine hundred and eighty-five of the Political Code.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Concurrent Resolution No. 48—asking for the establishment of a lighthouse and fog bell at Yerba Buena Island.

Read third time, and adopted.

Assembly Bill No. 273—An Act to ratify and confirm the sale of a franchise granted under and by an Act entitled an Act to authorize D. B. Northrop, Horace Cole, and E. B. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco, approved April eighteenth, eighteen

hundred and sixty-two, and an Act amendatory thereof, approved April twenty-fourth, eighteen hundred and sixty-three, and an Act amendatory thereof, approved April fourth, eighteen hundred and sixty-four.

The Senate refused to pass the bill.

Senate Bill No. 428—An Act to regulate the fees of certain officers in the County of Mendocino.

Referred to the delegation, subsequently reported with amendment, amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 172—An Act to provide a system of irrigation.

Recommitted to the Committee on Irrigation.

Assembly Bill No. 521—An Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta.

Read third time, and passed.

Assembly Bill No. 367—An Act authorizing the Board of Supervisors of the City and County of San Francisco to examine and pay certain claims.

Read third time, and passed.

Assembly Bill No. 383—An Act to provide for building a bridge at the mouth of the Bay of San Leandro, in the County of Alameda.

Passed on file.

Senate Bill No. 408—An Act concerning indigent sick and insane persons.

The Senate refused to order the bill engrossed.

Assembly Bill No. 349—An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims.

Referred to the San Francisco delegation.

Senate Bill No. 263—An Act for the relief of the Hibernia Greens.

The Senate refused to order the bill engrossed.

Assembly Bill No. 374—An Act supplementary to an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one.

Read third time, and passed.

Assembly Bill No. 231—An Act entitled an Act to transfer certain funds in the County of Kern.

Amendment adopted, read third time, and passed.

Senate Bill No. 424—An Act to repeal section three thousand seven hundred and four of the Political Code.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 530—An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of an agricultural park.

The Senate refused to pass.

Subsequently Mr. Tuttle gave notice of a motion to reconsider the vote refusing to pass the bill.

Assembly Bill No. 73—An Act to provide for the payment of the indebtedness incurred in repairing and refitting the State Capitol.

On motion of Mr. McKusick, referred to the Committee on Claims.

Senate Bill No. 47—An Act to abolish the office of Architect of the State Capitol building.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 425—An Act to release the claim of the State of California to certain lands.

Ordered engrossed.

Senate Bill No. 333—An Act to amend an Act entitled an Act to establish a Political Code.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 526—An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for the construction of wagon roads in said county.

Amended, read third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Irwin—An Act to amend section two thousand two hundred and twenty of the Political Code.

Read first and second times, and, with accompanying documents, referred to Judiciary Committee.

By Mr. O'Connor—An Act to establish and define the powers and duties of the Board of Education of Nevada School District, in the County of Nevada; the said district includes Nevada City.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Farley—An Act to reincorporate the Town of Sutter Creek.

Read first and second times, and referred to the delegation.

By Mr. Keys—An Act supplementary to and amendatory of an Act entitled an Act to provide for the building of a school house in Merced School District, in the County of Merced, approved February eighteenth, eighteen hundred and seventy-four.

Read first and second times, and ordered on file.

#### REPORT.

Mr. McCune submitted a report, as follows:

Mr. PRESIDENT: The Solano and Yolo delegation have had under consideration Assembly Bill No. 517—An Act concerning roads and highways in the County of Yolo—would report the bill back with amendments, recommending the adoption of the amendments, and the passage of the bill as amended.

McCUNE, for Delegation.

#### SPECIAL ORDERS.

Senate Bill No. 189—An Act to establish the office and define the duties of Chaplain for the State Prison.

Senate Bill No. 141—An Act to establish a State Reformatory.

Senate Bill No. 143—An Act to establish a State Reformatory at San Quentin.

Senate Bill No. 87—An Act to provide for the erection and maintenance of a branch prison near the Town of Folsom.

On motion of Mr. Edgerton, the special order was postponed until Tuesday, the seventeenth instant, at twelve o'clock M.

At twelve o'clock and eight minutes P. M., Mr. Fraser moved that the



Senate adjourn until next Monday, at two o'clock and thirty minutes P. M.

Lost.

Mr. Irwin offered the following resolution:

*Resolved*, That the Enrolling Clerk be and he is hereby authorized to correct a clerical error in Senate Bill No. 250—An Act to protect the County Treasuries of certain counties.

Adopted.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Pendergast, the Senate took a recess until two o'clock P. M.

#### REASSEMBLED.

At two o'clock P. M., the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

#### REPORTS.

Mr. Turner submitted the following report:

MR. PRESIDENT: Your Committee on Elections, to whom was referred Assembly Bill No. 385—entitled an Act to add to Title II, Part III of the Code of Civil Procedure, sections providing for contesting all elections—respectfully report the same back, with the recommendation that it be referred to the Committee on Judiciary.

TURNER, Chairman.

Mr. Evans verbally reported Assembly Bill No. 563—An Act to amend an Act entitled an Act to amend an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two, approved February twenty-eighth, eighteen hundred and seventy-four—recommending its passage.

Rules suspended, read third time, and passed.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 191—An Act to repeal section one of an Act supplementary to and amendatory of an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six, approved March twenty-eighth, eighteen hundred and sixty-eight, approved April first, eighteen hundred and seventy-two;

Also, Senate Bill No. 219—An Act to indemnify bona fide settlers on the Yosemite Grant;

Also, Senate Bill No. 81—An Act to amend section thirty-nine hundred and twenty-one of the Political Code;

Also, Senate Bill No. 404—An Act legalizing and confirming the boundaries of the school districts in the City of San Diego;

Also, Senate Bill No. 242—An Act to regulate the salaries and fix the compensation of certain officers in Napa County;

Also, Senate Bill No. 385—An Act amendatory of and supplemental to an Act entitled an Act to provide for the better maintenance of the indigent sick of Siskiyou County, approved April twenty-second, eighteen hundred and sixty-one;

And have presented the same to the Governor for his approval, this day, at twelve o'clock and fifteen minutes P. M.; and at the same time delivered to the Governor Senate Concurrent Resolution No. 46—relative to mail service between San Diego and Julian Mining District.

McMURRY, Chairman.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 13th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eleventh instant, passed Assembly Bill No. 544—An Act amendatory of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

Also, passed Assembly Bill No. 531—An Act to authorize the Board of Supervisors of Fresno County to issue bonds for building purposes.

Also, passed Assembly Bill No. 554—An Act to authorize the transfer and loan of certain funds in Solano County.

Also, passed Assembly Bill No. 535—An Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a public school house.

Also, passed Assembly Bill No. 534—An Act for the protection of property at East Park, in Sacramento County.

Also, passed Assembly Bill No. 499—An Act concerning the salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento.

Also, passed Assembly Bill No. 485—An Act concerning road poll tax for Tehama County.

Also, passed Assembly Bill No. 476—An Act to amend section thirty-three hundred and sixty-four of the Political Code.

Also, passed Assembly Bill No. 406—An Act to define the boundary, provide for the care, strengthening, and repairing the levee, and for the payment of indebtedness of Levee District Number One, of Sutter County.

Also, passed Assembly Bill No. 442—An Act to pay certain claims for services rendered as witnesses summoned on behalf of the State.

Also, passed Assembly Bill No. 281—An Act for the relief of John C. Burgess and Orrin Champlin.

Also, on the twelfth instant, passed Assembly Bill No. 480—An Act to provide for the completion of the Napa State Asylum for the Insane, and for other purposes.

Also, passed Senate Bill No. 111—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

Also, refused to recede from amendments to Senate Bill No. 322—An Act to exempt firemen in Nevada and Siskiyou Counties from the pay-

ment of poll tax—and appointed Messrs. Amerman, Franck, and Heald, as a Committee of Conference thereon.

Also, on this day, refused to concur in Senate Substitute for Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

Also, refused to concur in Senate amendments to Assembly Bill No. 102—An Act to amend the Code of Civil Procedure.

Also, passed Senate Bill No. 245—An Act for the relief of George W. Branch.

Also, passed Senate Bill No. 376—An Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara.

Also, indefinitely postponed Senate Concurrent Resolution No. 18—requesting Congress to grant certain lands to the State of California.

Also, passed Assembly Bill No. 413—An Act to authorize the transfer of certain promissory notes belonging to the estate of Sumner B. Hinds, deceased, from this State to the Territory of Washington, and ordered the same transmitted without engrossment.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 88, above reported, the Senate refused to recede from its amendment to the bill.

On motion of Mr. Evans, the rules were suspended to authorize the Chair to appoint a Committee of Conference.

Subsequently, the following committee were appointed: Messrs. Dyer, Irwin, and Finney.

Assembly Bill No. 544, above reported, read first and second times, and referred to the Committee on State and County Revenue.

Assembly Bill No. 531, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 554, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 535, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 499, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 485, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 406, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 476, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 534, above reported, read first and second times, rules suspended, and by unanimous consent read third time, and passed.

Assembly Bill No. 442, above reported, read first and second times, and referred to the Committee on Finance.

Assembly Bill No. 480, above reported, read first and second times, and referred to the Committee on Finance.

Assembly Bill No. 281, above reported, read first and second times, and referred to the Committee on Public Lands.

Senate Bill No. 322, above reported, the Senate adhered to its amend-

ment, and, on motion of Mr. Irwin, the Chair was authorized to appoint a Committee of Conference, and the President appointed as such committee, Messrs. Irwin, Tuttle, and Duffy.

Assembly Bill No. 102, above reported, referred to the Judiciary Committee.

Assembly Bill No. 413, above reported, read first and second times, rules suspended, and by unanimous consent read third time, and passed.

On motion of Mr. Pendegast, the rules were suspended to take up Senate Bill No. 301—An Act to divide the County of Solano, and erect within the present limits of said county a new county, to be known as Vallejo County.

Read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Edgerton, Crane, and Fraser, and it passed, by a vote as follows:

AYES—Messrs. Andross, Bush, Dyer, Eakin, Edgerton, Evans, Farley, Hopkins, Irwin, Keys, Laine, Lindsey, McCoy, McCune, McKusick, McMurry, O'Connor, Pendegast, and Turner—19.

NOES—Messrs. Bartlett, Crane, Duffy, Finney, Fraser, Garratt, Goodale, Kent, Martin, Spencer, and Tuttle—11.

Mr. Edgerton gave notice of a motion to reconsider the vote by which the bill passed.

#### REPORTS.

Reports were submitted as follows:

By Mr. Hendricks:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 430—An Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

HENDRICKS, for Committee.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 250—An Act to protect the County Treasuries of certain counties;

Also, Senate Bill No. 2—An Act to establish and maintain a training ship in the City and County of San Francisco;

And have presented the same to the Governor, this day, at two o'clock and ten minutes P. M.

McMURRY, Chairman.

By Mr. McCune:

MR. PRESIDENT: The Solano and Yolo delegation have had under consideration Assembly Bill No. 444—An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof—and report the bill back, and recommend its passage.

McCUNE, for Delegation.



By Mr. Pendegast:

Mr. PRESIDENT: The Lake delegation report back Assembly Bill No. 486—An Act to restrict sheep from being herded or roaming at large in certain portions of Lake County—and recommend its passage.

PENDEGAST, for Delegation.

Mr. Garratt introduced a bill, by leave, as follows:

An Act to amend section six hundred and sixty of the Civil Code.

Read first and second times, and referred to the Judiciary Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 13th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 411—An Act for the repeal of the special road law of Calaveras County.

Also, Senate Bill No. 323—An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, in Sonoma County.

Also, Senate Bill No. 56—An Act to amend certain sections, to repeal certain sections, and to add certain new sections, to the Political Code of the State of California.

Also, Senate Bill No. 342—An Act concerning the selection and sale of University lands.

Also, Senate Bill No. 230—An Act to make woman eligible to educational offices.

NEWTON BOOTH,  
Governor.

At two o'clock and thirty-five minutes P. M., on motion of Mr. Keys, the Senate adjourned.

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IN SENATE.

SENATE CHAMBER, }  
Saturday, March 14th, 1874. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITION.

Mr. Graves presented a remonstrance from citizens of Santa Barbara County against the passage of any bill separating the office of County Recorder from the office of County Clerk in said county.

Received, and laid on the table.

## REPORTS.

Reports were submitted, as follows:

By Mr. Finney:

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Assembly Concurrent Resolution No. 52, respectfully report the same back to the Senate, and recommend its passage.

FINNEY, Chairman.

By Mr. Graves:

MR. PRESIDENT: The Committee on Federal Relations have considered Assembly Concurrent Resolution No. 42—relative to the Yosemite Valley and Big Tree Grove—and report the same back and recommend its passage.

Also, Assembly Concurrent Resolution No. 39—asking our delegation in Congress to procure the passage of an Act abolishing the tariff on quicksilver—and report the same back and recommend its passage.

GRAVES, Chairman.

By Mr. Roach:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 407—An Act for the protection of buoys and beacons—have considered the same, and recommend its passage.

ROACH, Chairman.

[Mr. Tuttle in the chair.]

By Mr. Pendegast:

MR. PRESIDENT: Your Committee on the Judiciary, to whom was referred Assembly Bill No. 102—An Act to amend the Code of Civil Procedure—now report the same back and recommend that the Senate recede from its amendments to sections twenty-seven and ninety-nine, and that the Senate refuse to recede from its amendments to sections eighty-five, one hundred and twenty-four, one hundred and seventy-four, one hundred and seventy-five, and one hundred and seventy-six of the bill.

Also, Assembly Bill No. 272—An Act to amend the Civil Code by adding a new section, to be designated as section thirteen hundred and thirteen—report the same back, and recommend its passage.

Also, Assembly Bill No. 351—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society in the City of Oakland, County of Alameda—report the same back, and recommend its passage.

Also, Senate Bill No. 456—An Act to legalize certain proceedings in Republican District Number One, Honored and Yancy-Jones—and report the same back, and recommend its passage.

PENDEGAST Chairman.

The portion of the report in reference to Assembly Bill No. 192 was adopted.

The motion of Mr. Pendegast, the rules were suspended, and the Clerk proceeded to appoint a Committee of Five Commissioners concerning the transportation of the bill.

The Clerk appointed Messrs. Pendegast, Lamm, and Granger as such committee on the part of the House.

By Mr. Pendegast.

Mr. President: The Committee on Corporations, to whom was referred Senate Bill No. 226—An Act to amend the charter of the City of Los Angeles to confer the right and right, enlarge its powers, and provide for its more efficient government—have had the same under consideration, and report the bill back with amendments and suggest. They recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill for Assembly Concurrent Resolution No. 31—relative to the construction of a canal and aqueduct from the Mexican River to the Pacific Ocean—and recommend report the same back, and recommend its passage.

FARLEY Chairman.

Rules suspended, and the bill above reported taken up, amendments agreed to by the Committee of the Whole, committed to three further separate committees, read third time, and passed.

By Mr. Lamm.

Mr. President: The delegation from Santa Barbara, to whom was referred Assembly Bill No. 192 report the same back, and recommend that it do not pass.

W. J. GILKINSON for Delegation.

Rules suspended, and bill above reported taken up, indefinitely postponed.

Mr. Kilgore's request for the special committee appointed to report upon the proposed bill, further time to examine their report.

So ordered.

By Mr. Hays.

Mr. President: The Committee on Legislation and Water Rights to whom was referred Assembly Bill No. 172—An Act to provide a system of irrigation—respectfully report that they have examined the bill and would recommend amendments thereto, and they recommend the passage of the bill as amended.

HOPKINS Chairman.

Mr. Farley, Chairman of the Committee on Corporations, verbally reported Senate Bill No. 226—An Act amending a Board of Transportation Commissioners, and providing their duties and powers—and recommended the passage of a substitute for the bill.

Also, reported Assembly Bill No. 2—An Act to regulate fares and freights on railroads in the State of California—recommending that the bill do not pass.

Also, introduced a bill as follows: An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State.

Read first and second times, and ordered on file.

Nine hundred and sixty copies of the bill introduced by the committee, and also of the Substitute for Senate Bill No. 150, were ordered printed.

Further time was granted the committee to submit a written report in reference to the bills above mentioned.

#### REPORTS.

Reports were submitted as follows:

By Mr. Beck:

MR. PRESIDENT: The Santa Cruz delegation, to whom was referred Assembly Bill No. 535—An Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a public school house—report the same back, and recommend its passage.

BECK, for Delegation.

By Mr. Eakin:

MR. PRESIDENT: The Inyo and Mono delegation, to whom was referred Assembly Bill No. 495—An Act concerning the employment of teachers in Inyo and Mono Counties—beg leave to report the same back with amendments, and recommend its passage.

EAKIN, for Delegation.

Subsequently, on motion of Mr. Evans, the rules were suspended, and the bill above reported taken up, amendments agreed to in Committee of the Whole concurred in, read third time, and passed.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 380—An Act to aid in the improvement of the lands of the State Agricultural Society.

TUTTLE, of Committee.

By Mr. Beck:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 412—An Act to authorize and empower the Board of Supervisors of the County of Trinity to fix the rate of tolls on certain wagon roads.

BECK, for Committee.



## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 14th, 1874. }

MR PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, amended and passed Senate Bill No. 27—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure.

Also, amended and adopted Senate Concurrent Resolution No. 58—appointing phonographic reporter for Committee to Investigate University Affairs.

Also, amended and passed Senate Bill No. 181—An Act for the relief of Adolph E. Servatius.

Also, refused to pass Senate Bill No. 247—An Act to amend section four thousand and seventy-three of the Political Code.

Also, passed Senate Bill No. 280—An Act to amend section five hundred and seventy-four of the Civil Code.

Also, passed Senate Bill No. 327—An Act regulating township offices in Tuolumne County.

Also, passed Senate Bill No. 236—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and add a new section, to be known as section four thousand and forty-seven.

Also, amended and passed Senate Bill No. 289—An Act to amend section twenty-two hundred and forty of the Political Code.

Also, passed Senate Bill No. 356—An Act to grant the right to construct a wagon road in San Diego County.

Also, passed Senate Bill No. 364—An Act to provide for the election of a District Assessor and a District Collector, for Ukiah School District, in Mendocino County.

Also, passed Senate Bill No. 366—An Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara.

Also, passed Senate Bill No. 387—An Act concerning the execution of final process in certain cases.

Also, passed Senate Bill No. 410—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salary of county officers, in the County of Stanislaus, approved March fourth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 418—An Act in relation to the revenue of the County of Amador.

Also, passed Senate Bill No. 419—An Act to repeal certain Acts in relation to roads in Amador County; also, an Act relative to the treatment and care of the indigent sick of said county.

Also, passed Senate Bill No. 420—An Act in relation to the Board of Supervisors of Amador County.

Also, passed Senate Bill No. 234—An Act to authorize the repayment of money's erroneously paid into the State Treasury by the Treasurer of Sonoma County.

Also, on the eleventh instant, passed Assembly Bill No. 538—An Act to authorize the issue of bonds by the County of Kern, to erect county buildings.

Also, passed Assembly Bill No. 460—An Act to redistrict the County

of Tehama, and to reorganize the Board of Supervisors in and for said county.

Also, passed Assembly Bill No. 537—An Act to provide for the payment of a debt due N. Fitzgerald from the Lake City School District, in Modoc County.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 27, above reported, referred to the Judiciary Committee.

Senate Concurrent Resolution No. 58, above reported, Assembly amendments concurred in.

Senate Bill No. 181, above reported, Assembly amendments concurred in.

Senate Bill No. 289, above reported, Assembly amendments concurred in.

Assembly Bill No. 538, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 460, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 537, above reported, read first and second times, and referred to the delegation named in the bill.

[President pro tem. in the chair.]

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Pursuant to notice, Mr. Pendegast, by request, moved to reconsider the vote whereby the Senate refused to pass Assembly Bill No. 530.

The motion prevailed. Read third time, and passed.

Pursuant to notice, Mr. Edgerton moved to reconsider the vote whereby the Senate passed Senate Bill No. 301—An Act to divide the County of Solano, and to erect within the present limits of said county a new county, to be known as Vallejo County.

Mr. Pendegast moved to indefinitely postpone the motion to reconsider; on which the ayes and noes were demanded by Messrs. Edgerton, Duffy, and Evans, and the motion prevailed, by a vote as follows:

AYES—Messrs. Andross, Bartlett, Boggs, Bush, Dyer, Eakin, Evans, Farley, Graves, Irwin, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, O'Connor, Pendegast, and Turner—21.

NOES—Messrs. Crane, Duffy, Edgerton, Garratt, Goodale, Kent, Neff, Perkins, Roach, Spencer, and Tuttle—11.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Edgerton—An Act to provide for the collection of the unpaid taxes due for the fiscal years eighteen hundred and seventy-two and eighteen hundred and seventy-three, and eighteen hundred and seventy-three and eighteen hundred and seventy-four.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Laine—An Act to amend the Penal Code concerning the examination of persons accused of crime before committing magistrates.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Keys—An Act to amend section eighteen hundred and seventy-nine of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Assembly Bill No. 517—An Act concerning roads and highways in the County of Yolo.

Amendments agreed to in Committee of the Whole concurred in, read third time, and passed.

Assembly Bill No. 444—An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof.

Read third time, and passed.

Assembly Bill No. 612—An Act to amend an Act entitled an Act to reorganize the Supervisor Districts of the County of Monterey.

Read third time, and passed.

Assembly Bill No. 484—An Act to fix the compensation of certain officers in the County of Marin.

Read third time, and passed.

Assembly Bill No. 486—An Act to restrict sheep from being herded or roaming at large in certain portions of Lake County.

Read third time, and passed.

Senate Bill No. 395—An Act to amend section three hundred and seventy of the Penal Code.

Indefinitely postponed.

Senate Bill No. 316—An Act to amend certain sections and to repeal certain sections of the Political Code, relating to the government of the State Normal School.

On motion of Mr. Tuttle, referred to the Committee on Finance.

[Mr. Farley in the chair.]

Senate Bill No. 440—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Merced.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 441—An Act to authorize the Board of Supervisors of Stanislaus County to transfer certain funds.

Recommitted to its author.

Senate Bill No. 447—An Act amendatory of and supplementary to an Act entitled an Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Neff, the rules were suspended to take up Senate Bill No. 380—An Act to aid in the improvement of the lands of the State Agricultural Society.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Laine, Boggs, and Duffy, and it passed, by a vote as follows:

AYES—Messrs. Beck, Boggs, Duffy, Edgerton, Farley, Garratt, Hendricks, Irwin, Kent, Keys, Martin, McCoy, McCune, McMurry, Neff, Pendegast, Roach, and Spencer—18.



NOES—Messrs. Bartlett, Bush, Crane, Dyer, Goodale, Laine, Lindsey, O'Connor, and Tuttle—9.

Assembly Bill No. 383—An Act to provide for building a bridge at the mouth of the Bay of San Leandro, in the County of Alameda.  
Substitute adopted, read third time, and passed.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 14th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eleventh instant, passed Assembly Bill No. 510—An Act supplementary to an Act entitled an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor, approved April first, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 545—An Act to incorporate the Town of Menlo Park, in the County of San Mateo.

Also, passed Assembly Bill No. 339—An Act to authorize the City of Oakland to construct a main sewer.

Also, passed Assembly Bill No. 520—An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco.

Also, passed Substitute for Assembly Bill No. 509—An Act to authorize the Board of Supervisors of Lake County to lease certain toll roads in said county, and for other purposes.

Also, passed Assembly Bill No. 252—An Act to enable the City and County of San Francisco to issue revenue bonds.

Also, passed Assembly Bill No. 566—An Act to protect agriculture in the County of Calaveras.

Also, on this day, passed Senate Bill No. 354—An Act to fix the compensation of the Assessor of San Diego County, and for other purposes.

Also, that the House, on this day, appointed Messrs. Williams, Cowdery, and Murphy as a Committee of Free Conference on Assembly Bill No. 102—An Act to amend the Code of Civil Procedure.

Also, on the eleventh instant, passed Assembly Bill No. 359—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 510, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 545, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 339, above reported, read first and second times, and referred to the delegation named in the bill.



Assembly Bill No. 520, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 509, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 566, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 252, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 359, above reported, read first and second times, and referred to the delegation named in the bill.

#### REPORT.

Mr. Spencer submitted a report, as follows:

Mr. PRESIDENT: The Sutter delegation, to which was referred Substitute for Assembly Bill No. 406, have had the same under consideration, and beg leave to report it back, and recommend its passage.

SPENCER, for Delegation.

Mr. Boggs verbally reported Assembly Bill No. 485—An Act concerning road poll tax in the County of Tehama.

Rules suspended, bill taken up, read third time, and passed.

At twelve o'clock and forty-eight minutes P. M., on motion of Mr. Neff, the Senate adjourned until Monday, March sixteenth, at two o'clock and thirty minutes P. M.

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#### IN SENATE.

SENATE CHAMBER,  
Monday, March 16th, 1874. }

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

#### REPORTS.

Reports were submitted as follows:

Mr. Farley, Chairman of the Committee on Corporations, verbally reported a substitute for Senate Bill No. 150—An Act creating a Board of Transportation Commissioners, and prescribing their duties and powers.

Also, reported a Substitute for Senate Bill No. 114—An Act to regulate the building and maintaining of depots and stations, and the stopping of trains, upon the several railroads in this State.

By Mr. Tuttle:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 333—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Senate Bill No. 445—An Act to establish and define the powers and duties of the Board of Education of Nevada School District, in the County of Nevada; the said district including Nevada City.

TUTTLE, for Committee.

By Mr. Lindsey:

Mr. PRESIDENT: The Fresno delegation, to whom was referred Assembly Bill No. 297—An Act to provide a County Treasurer for the County of Fresno, for the term commencing the first Monday in March, eighteen hundred and seventy-four—have had the same under consideration, and now report the bill back, with the recommendation that it do not pass.

LINDSEY, for Delegation.

Rules suspended, bill above reported taken up, and indefinitely postponed.

By Mr. McCoy:

Mr. PRESIDENT: The San Diego delegation, to whom was referred Assembly Bill No. 238—An Act to regulate fees and salaries of officers, and defining their duties in the County of San Diego, and other matters relating thereto—have had the same under consideration, and, by request of its author, Mr. Bowers, report the bill back, and recommend that it be indefinitely postponed.

MCCOY, for Delegation.

Rules suspended, bill above reported taken up, and indefinitely postponed.

By Mr. Turner:

Mr. PRESIDENT: The Committee of Conference appointed on the disagreeing vote of the two Houses on Assembly amendment to Senate Bill No. 224—An Act to amend section six hundred and thirty-two of the Penal Code—have had the same under consideration, and respectfully recommend that the Assembly recede from its amendment.

TURNER,

For Committee on part of the Senate.

Report adopted.

Mr. Beck made a special report, as follows:

Mr. PRESIDENT: The Committee on Public Buildings and Grounds beg leave to submit the following special report in regard to the condition and necessities of the Napa State Asylum for the Insane:

The committee visited Napa City, the site of the asylum, on the thirty-first day of January, and gave to the building, and also to the methods of business in connection therewith of the Directors, a thorough and careful examination. It gives us pleasure to report that whatever may be said of other public buildings in process of erection at the ex-

pense of the State, this one at least is progressing in a most satisfactory manner. The Directors are proceeding with the same care and economy which prudent business men manifest in regard to their own private affairs. The work thus far complete, consists of a foundation for the entire building. This foundation is of the best material, and has been laid in thoroughly substantial and workmanlike manner, at remarkably small cost. With it we are entirely satisfied. Some idea of its dimensions can be formed from the statement that the foundation wall is only two hundred and forty feet less than a mile in length.

Contracts have been entered into by the Directors for the entire superstructure, on terms which are satisfactory both as to the character of the contractors and the amounts of the contract prices. The awards of contracts were made by the Directors, after thorough advertisement and a spirited competition, and to the lowest bidders. The Directors have made no changes in their original plans, but they have departed in some instances and respects from their first intentions. Some of these departures were made because of absolute necessity, and others upon suggestions sanctioned by the highest authorities and approved by the latest and best experience.

The necessity for the early completion of this building is so apparent that it only needs to be intimated. The overcrowded condition of the asylum at Stockton is simply a shock to humanity. Some complaint has been made that the work has not been more rapidly pressed. It is sufficient to say, on this score, that the Directors have made every possible effort with the means at their command from the former appropriation, and have in several instances anticipated their receipts from the State, by the temporary employment of their private fund in large amount, and without interest.

We find that the sum of six hundred thousand dollars will be necessary in order to complete the building, according to the present plans and under existing contracts. Those plans cannot, in our judgment, be changed or simplified without injury instead of benefit; and we are convinced, as before stated, that the contracts cannot be improved, even if it was possible to annul them. With this additional appropriation, the entire cost of the building, with all of its adjuncts, including the purchase of the land, and the acquisition and utilization of splendid water privileges, will be paid, and we have no hesitation in reporting that it will then be the cheapest public building in this State. We therefore recommend the speedy appropriation of the amount.

THOS. BECK,  
WM. WIRT PENDEGAST,  
JOHN BOGGS,  
JAS. A. DUFFY,  
JOHN McMURRY,  
W. T. GARRATT.

Report referred to the Committee on Finance, and ordered printed.

Mr. Keys verbally reported a Substitute for Senate Bill No. 441—An Act to authorize the Board of Supervisors of Stanislaus County to transfer certain funds.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bartlett—An Act to amend section thirty-two hundred and ninety-two of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Perkins—An Act to amend section three hundred and thirty of the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Boggs—An Act to legalize certain conveyances, leases, and other instruments in writing affecting certain real estate in Colusa County.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Martin (by request)—An Act to create the County of Orange, to define its boundaries, and provide for its organization and government.

Read first and second times, and referred to the Los Angeles delegation.

By Mr. O'Connor—An Act to amend an Act entitled an Act to amend sections three hundred and six and three hundred and seven of the Penal Code, approved March tenth, eighteen hundred and seventy-four.

Read first and second times, and referred to Committee on Public Morals.

By Judiciary Committee—Proposed Amendments to the Constitution of the State of California.

Read first and second times, nine hundred and sixty copies ordered printed, and bill placed on file.

[Mr. Evans in the chair.]

#### GENERAL FILE.

Assembly Concurrent Resolution No. 52—To authorize the Governor to deliver to D. L. Perkins a certain silver medal and diploma.

Adopted.

Assembly Concurrent Resolution No. 39—To abolish tariff on quick-silver.

Adopted.

Assembly Concurrent Resolution No. 42—Relative to the Yosemite Valley and Big Tree Grove.

The Senate refused to adopt.

Senate Bill No. 407—An Act for the protection of buoys and beacons.

Rules suspended, considered engrossed, read third time, and passed.

#### REPORTS.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 356—An Act to grant the right to construct a wagon road in San Diego County;

Also, Senate Bill No. 354—An Act to fix the compensation of the Assessor of San Diego, and for other purposes;

Also, Senate Bill No. 234—An Act to authorize the repayment of money erroneously paid into the State Treasury by the Treasurer of Sonoma County;



Also, Senate Bill No. 289—An Act to amend section twenty-two hundred and forty of the Political Code;

Also, Senate Bill No. 420—An Act in relation to the Board of Supervisors of Amador County;

Also, Senate Bill No. 419—An Act to repeal certain Acts in relation to roads in Amador County;

Also, an Act relative to the treatment and care of the indigent sick of Amador County;

Also, Senate Bill No. 376—An Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara;

Also, Senate Bill No. 387—An Act concerning the execution of final process in certain cases;

Also, Senate Bill No. 111—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure;

Also, Senate Bill No. 327—An Act regulating township offices in Tuolumne County;

Also, Senate Bill No. 280—An Act to amend section five hundred and seventy-four of the Civil Code;

Also, Senate Bill No. 236—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, to add a new section thereto, to be known as section four thousand and forty-seven;

Also, Senate Bill No. 245—An Act for the relief of George W. Branch;

Also, Senate Bill No. 364—An Act to provide for the election of a District Assessor and a District Collector for Ukiah School District, in the County of Mendocino;

Also, Senate Bill No. 418—An Act in relation to the revenue of the County of Amador;

Also, Senate Bill No. 410—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of county officers in the County of Stanislaus, approved March fourth, eighteen hundred and seventy-four;

Also, Senate Bill No. 265—An Act concerning roads and highways in the County of Santa Clara;

And have presented the same to the Governor, for his approval, this day, at three o'clock P. M.

McMURRY, Chairman.

By Mr. Neff:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 402—An Act to reincorporate the City of San Diego.

NEFF, Chairman.

#### GENERAL FILE RESUMED.

Assembly Bill No. 272—An Act to amend the Civil Code by adding a new section, to be designated section thirteen hundred and thirteen.

Read third time, and passed.

Assembly Bill No. 351—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society, in the City of Oakland, County of Alameda.

Read third time, and passed.

Senate Bill No. 436—An Act to legalize certain proceedings in Reclamation District Number One Hundred and Twenty-four.

Ordered engrossed.

Assembly Bill No. 172—An Act to provide a system of irrigation.

On motion of Mr. Hendricks, the bill was made the special order for Friday, the twentieth instant, at two o'clock P. M.

Assembly Bill No. 535—An Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a public school house.

Read third time, and passed.

Assembly Concurrent Resolution No. 31—relative to the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean.

Read third time, and adopted.

Assembly Bill No. 2—An Act to regulate fares and freights on the railroads in the State of California.

On motion of Mr. Edgerton, made special order for eleven o'clock A. M., on Thursday, the nineteenth instant.

Senate Bill No. 449—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State.

On motion of Mr. Edgerton, made special order for eleven o'clock A. M., on Thursday, the nineteenth instant.

Senate Bill No. 150—An Act creating a Board of Transportation Commissioners, and prescribing their duties and powers.

On motion of Mr. Edgerton, made special order for eleven o'clock A. M., on Thursday, the nineteenth instant.

Assembly Bill No. 406—An Act to define the boundary, provide for the care, strengthening, and repairing the levee, and for the payment of the indebtedness of Levee District Number One, of Sutter County.

Read third time, and passed.

#### REPORTS.

Mr. Finney, by leave, submitted a report, as follows:

Mr. PRESIDENT: The San Mateo delegation, to whom was referred Assembly Bill No. 545, respectfully report the same back to the Senate, with amendments, and recommend the passage of the bill as amended.

FINNEY, for Delegation.

Rules suspended, and the bill above reported taken up, amendments agreed to in Committee of the Whole concurred in, read third time, and passed.

By Mr. Beck:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Joint Resolution No. 57—concerning the surveys of private land claims in California.

Also, Senate Bill No. 381—An Act to amend sections three thousand nine hundred and seventy-seven and three thousand nine hundred and eighty-five of the Political Code.

Also, Senate Bill No. 428—An Act to regulate the fees of certain officers in the County of Mendocino.

Also, Senate Bill No. 424—An Act to repeal section three thousand seven hundred and four of the Political Code.

Also, Senate Bill No. 417—An Act to abolish the office of Architect of the State Capitol.

Also, Senate Bill No. 425—An Act to release the claim of the State of California to certain lands.

BECK, for Committee.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER }  
March 16th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 56—to correct error in Assembly Bill No. 466.

Also, that the House receded from its amendment to Senate Bill No. 224—An Act to amend section six hundred and thirty-two of the Penal Code.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 16th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the fourteenth instant, passed, under suspension of the rules, Assembly Bill No. 635—An Act to amend section fifty-eight of the Code of Civil Procedure.

Also, ordered the same transmitted to the Senate, without engrossment.

Also, that the House refused to concur in certain Senate amendments to Assembly Bill No. 420—An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County.

Also, amended and passed Senate Bill No. 309—An Act to permit the voters of every township, incorporate city, or county in this State, to vote of the question of granting licenses to sell intoxicating liquors.

Also, on the eleventh instant, passed Assembly Bill No. 564—An Act to regulate the salaries and fix the compensation of the present county officers of Napa County.

Also, passed Assembly Bill No. 543—An Act to provide for the purchase and construction of free bridges in Big River Township, County of Mendocino.

Also, passed Assembly Bill No. 536—An Act to legalize, ratify, and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, and the contracts made thereunder.

JOHN WEBBER,  
Assistant Clerk.



## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Concurrent Resolution No. 56, above reported, adopted.

Assembly Bill No. 543, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 564, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 536, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 635, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 420, above reported, the Senate refused to recede from its amendment to section four, and the delegation from San Joaquin was appointed a Committee of Conference.

Senate Bill No. 309, above reported, the Senate concurred in the Assembly amendments.

## REPORT.

Mr. Pendegast submitted the following report:

MR. PRESIDENT: The Committee on Judiciary have had under consideration Assembly Bill No. 163—An Act for the more effectual prevention of cruelty to animals—and report the same back, with an amendment, and respectfully recommend the adoption of the amendment and the passage of the bill as amended.

Also, Senate Bill No. 156—proposed amendment to section twenty-one of Article XI of the Constitution of this State—and report the same back, and recommend its passage.

Also, Assembly Bill No. 228—An Act to prohibit the collection of accounts for liquors sold at retail—and report the same back, and recommend its passage.

Also, Assembly Bill No. 236—An Act to quiet titles to certain lands in Yolo County—and report the same back, with an amendment, and respectfully recommend the adoption of the amendment and the passage of the bill as amended.

Also, Senate Bill No. 390—An Act to abolish attorney's fees and other charges in savings banks—and report the same back, with amendments, and respectfully recommend the adoption of the amendments and the passage of the bill as amended.

Also, Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code—and report the same back, with amendments, and respectfully recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 398—An Act to add a section to the Political Code of the State of California providing official custody for the bonds of County Clerks—and report the same back, and recommend its passage.

Also, Assembly Bill No. 503—An Act legalizing the official acts of Constables, in the County of Placer, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four—and report the same back, with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Assembly Bill No. 494—An Act supplemental to and amendatory of an Act fixing the salaries of certain county officers in the



County of Inyo, approved February twenty-eighth, eighteen hundred and seventy-four—and report the same back, and recommend its passage.

Also, Senate Bill No. 399—An Act to ratify and confirm certain proceedings of the Board of Supervisors of the City and County of San Francisco—and report the same back, and recommend that it do not pass, on the ground that it falls within the objections heretofore expressed by this committee towards bills attempting to legalize defects of a jurisdictional character.

Also, Senate Bill No. 94—An Act to amend Part Four of section four thousand one hundred and twenty-two of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, in reference to County Treasurers' bonds—and report the same back, and recommend that it do not pass, for the reason that the subject matter of the bill has been already provided for in the general amendments to the Political Code.

Also, Senate Bill No. 400—An Act to authorize and empower the County Judge of El Dorado County to fill vacancies in the office of Justices of the Peace in said county—and report the same back, and recommend that it be indefinitely postponed, for the reason that the proposed legislation would be unconstitutional.

Also, Senate Bill No. 391—An Act to prohibit the sale of intoxicating liquors within one and one half miles of the California College, in Solano County—and report the same back, and recommend that it do not pass, on the ground that the legislation, if proper, should be general, and made to apply to all institutions of kindred character within the State; and further, that under the operation of the local option bill, the result sought will, in all probability, be reached.

Also, Senate Bill No. 396—An Act to amend section eight hundred and sixty nine of the Penal Code—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 406—An Act authorizing W. W. Brown, administrator of the estate of E. L. Brown, deceased, to sue the State—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 151—An Act concerning the office of County Assessor, fixing the terms thereof, and other matters relating thereto—and report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 334—An Act to amend the Civil Code relating to liens—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 251—An Act to amend section seventeen hundred and eighty-eight of the Code of Civil Procedure—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 274—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 264—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code—and report the same back, and recommend that it do not pass.

PENDEGAST, Chairman.

At four o'clock and five minutes P. M., on motion of Mr. Duffy, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
 Tuesday, March 17th, 1874. }

Senate met pursuant to adjournment.  
 President in the chair.  
 Roll called, and a quorum present.  
 Prayer by the Chaplain.  
 Journal of yesterday read and approved.

## PETITION.

Mr. Tuttle presented a petition from taxpayers of Sonoma County, asking an appropriation for the maintenance of the California College of Pharmacy.

Received, and laid on the table.

## REPORTS.

Reports were submitted, as follows:

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 440—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers, in the County of Merced.

Also, Senate Bill No. 447—An Act supplementary to and amendatory of an Act entitled an Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

NEFF, Chairman.

By Mr. Perkins:

MR. PRESIDENT: The Committee on Claims, to whom was referred Substitute for Assembly Bill No. 73—An Act to provide for the payment of the indebtedness incurred in the repairing and refitting of the State Capitol—have carefully considered the same, and report the bill back, and recommend its passage.

Also, have had under consideration Senate Bill No. 389—An Act for the relief of James P. Sargent—and respectfully report the bill back, with the recommendation that it do not pass.

PERKINS, Chairman.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on State and County Revenue would report that they have had under consideration Senate Bill No. 443—An Act amending sections thirty-six hundred and fifty, thirty-six hundred and fifty-one, thirty-six hundred and ninety-three, and thirty-seven hundred and twenty-eight of the Political Code—and recommend the passage of the same.

O'CONNOR, for Committee.

By Mr. Lindsey:

Mr. PRESIDENT: Your committee to whom was referred Senate Bill No. 435—An Act to provide for the payment of certain Controller's warrants—have had the same under consideration, and now report the bill back, without recommendation.

Also, have had under consideration Senate Bill No. 426—An Act relating to the funds of Swamp Land District Number Eighteen—and now report the bill back, with the recommendation that it do not pass.

LINDSEY, for Committee.

By Mr. Goodale:

Mr. PRESIDENT: The Committee on Public Morals have had under consideration Senate Bill No. 382—An Act to amend section thirty-three hundred and eighty-one of the Political Code—and report the same back with amendments, recommend the adoption of the amendments, and the passage of the bill as amended.

GOODALE, Chairman.

By Mr. Perkins:

Mr. PRESIDENT: The Butte delegation, to whom was referred Assembly Bill No. 506—An Act concerning roads in the County of Butte—respectfully report the bill back with amendments, and recommend the passage of the bill as amended.

PERKINS, for Delegation.

Rules suspended, the bill above reported taken up and placed on its passage, amendments adopted, read third time, and passed.

By Mr. Hendricks:

Mr. PRESIDENT: The Committee on Conference, to whom was referred Assembly Bill No. 221—An Act to amend an Act to provide for the payment of certain fees in the County of Butte—have had the same under consideration, and report it back, with the recommendation that the Senate recede from its amendments. Also, that the words "within the township in which he resides," in section one, be stricken out.

W. C. HENDRICKS,  
GEORGE C. PERKINS,  
J. J. DEHAVEN.

Senate Committee.

J. C. GRAY,  
J. B. CLARK,  
Assembly Committee.

Report adopted.

By Mr. McCune:

Mr. PRESIDENT: The Solano and Yolo delegation has had under consideration Assembly Bill No. 554—An Act to authorize the transfer and loan of certain funds in Solano County—and would report the bill back, and recommend that it do not pass.

MCCUNE, for Delegation.

By Mr. Bartlett:

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 510—An Act supplementary to an Act entitled an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor, approved April first, eighteen hundred and seventy-two—having had the same under consideration, report the same back amended, and recommend its passage as amended.

Also, Senate Bill No. 423—An Act authorizing and empowering the Board of Supervisors of the City and County of San Francisco to provide for watering the streets and roads of said city and county—report the same back, and recommend that it do not pass.

Also, Senate Substitute for Assembly Bill No. 349—An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims—report the same back amended, and recommend its passage as amended.

Also, Senate Bill No. 433—An Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco—report the same back with a substitute, and recommend the adoption and passage of the substitute.

BARTLETT, for Delegation.

The rules were suspended, and Senate Bill No. 433, above reported, taken up and placed on its passage.

Substitute adopted.

Rules further suspended, considered engrossed, read third time and passed, and ordered transmitted to the Assembly without engrossment.

By Mr. O'Connor:

Mr. PRESIDENT: The Nevada delegation, to whom was referred Assembly Bill No. 370—An Act to amend an Act entitled an Act regulating proceedings in Courts of record of Nevada County in certain cases—report the same back with an amendment, and recommend the adoption of the amendment and the passage of the bill as amended.

O'CONNOR, for Delegation.

Rules suspended, and the bill taken up and placed on its passage, amended, read third time, and passed.

By Mr. Gibbons:

Mr. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 339—An Act to authorize the City of Oakland to construct a main sewer—beg leave to report the same back, and recommend its passage.

GIBBONS, for Delegation.

Rules suspended, and the bill above reported taken up and placed on its passage, read third time, and passed.



## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 17th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 369—An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

Also, Senate Bill No. 311—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes.

Also, Senate Bill No. 2—An Act to establish and maintain a training ship or ships in the City and County of San Francisco.

Also, Senate Bill No. 250—An Act to protect the County Treasuries of certain counties.

Also, Senate Bill No. 242—An Act to regulate the salaries and fix the compensation of certain officers in the County of Napa.

Also, Senate Bill No. 404—An Act legalizing and confirming the boundaries of the school district in the City of San Diego.

Also, Senate Bill No. 81—An Act to amend section thirty-nine hundred and twenty-one of the Political Code.

Also, Senate Bill No. 191—An Act to repeal section one of an Act supplementary to and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six, approved March twenty-eighth, eighteen hundred and sixty-eight, approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No. 385—An Act amendatory of and supplemental to an Act entitled an Act to provide for the better maintenance of the indigent sick of Siskiyou County, approved April twenty-second, eighteen hundred and sixty-one.

Also, Senate Bill No. 387—An Act concerning the execution of final process in certain cases.

NEWTON BOOTH,  
Governor.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
March 17th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eleventh instant, passed Assembly Bill No. 570—An Act to incorporate the Town of Yuba City.

Also, passed Assembly Bill No. 571—An Act concerning roads and highways in the County of Sutter.

Also, on the thirteenth instant, passed Substitute for Assembly Bill No. 165—An Act to amend the Civil Code of this State.

Also, passed Assembly Bill No. 283—An Act to amend sections two

hundred and seventy and two hundred and seventy-one of, and to add sections two hundred and seventy-two, two hundred and seventy-three, and two hundred and seventy-four to the Code of Civil Procedure.

Also, passed Assembly Bill No. 294—An Act to amend section thirty-five hundred and seventy-three of the Political Code.

Also, passed Assembly Bill No. 326—An Act to repeal an Act entitled an Act to provide for the opening and improving of Santa Clara and Saratoga Avenue, in the County of Santa Clara, approved March sixteenth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 391—An Act to repeal an Act entitled an Act to amend an Act amendatory of and supplemental to an Act regulating rodeos.

Also, passed Assembly Bill No. 402—An Act to quiet the title to certain lands.

Also, passed Assembly Bill No. 423—An Act making an appropriation for the purchase of apparatus for the State Normal School.

Also, passed Assembly Bill No. 436—An Act to pay J. E. Foulds for services rendered to the Assembly Committee on Corporations of the nineteenth session of the Legislature.

Also, passed Assembly Bill No. 437—An Act to appropriate money to pay for services rendered the State by William Hale.

Also, passed Assembly Bill No. 451—An Act to consolidate certain school districts in the Counties of Sacramento and San Joaquin.

Also, passed Assembly Bill No. 496—An Act to provide for the payment of two thousand dollars to the Grass Valley Orphan Asylum, appropriated by the Legislature April first, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 501—An Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four.

Also, passed Assembly Bill No. 511—An Act to protect the rights of stockholders in incorporated companies.

Also, passed Assembly Bill No. 512—An Act to amend section twenty-eight hundred and eighty-one of the Political Code.

Also, passed Assembly Bill No. 522—An Act to repeal an Act entitled an Act in relation to the Board of Education of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and seventy-two; also, to confer power on the Board of Education of said city and county to pay a deficit in the School Fund of eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Also, passed Assembly Bill No. 524—An Act for the relief of T. P. Riordan.

Also, passed Assembly Bill No. 540—An Act to legalize a certain assessment in the City of Sacramento.

Also, passed Assembly Bill No. 447—An Act to amend an Act entitled an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 568—An Act to authorize and empower the Board of Trustees of Court House School District, in the County of Sonoma, to raise additional funds for school purposes.

Also, passed Assembly Bill No. 569—An Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the payment thereof into certain Funds.

Also, passed Assembly Bill No. 577—An Act to add another section to the Penal Code.

Also, passed Assembly Bill No. 579—An Act granting leave of absence to J. J. Welch, Sheriff of Mono County.

Also, passed Assembly Bill No. 584—An Act concerning the office of District Attorney of the City and County of San Francisco.

Also, passed Assembly Bill No. 585—An Act to cure and remove certain defects in actions heretofore commenced under Order Number One Thousand and Sixty-six of the Board of Supervisors of the City and County of San Francisco.

Also, passed Assembly Bill No. 594—An Act to legalize the grades of certain streets in the City and County of San Francisco.

Also, passed Assembly Bill No. 596—An Act authorizing the Board of Education of the City and County of San Francisco to exchange a lot of land in said city and county.

Also, passed Assembly Bill No. 603—An Act to provide for the payment of certain outstanding road warrants of Yolo County, and to provide for levying taxes for county purposes in said county.

Also, passed Assembly Bill No. 608—An Act supplemental to an Act entitled an Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization, approved February seventeenth, eighteen hundred and seventy-four.

Also, passed Assembly Bill No. 622—An Act to provide funds for the school department of the City of Oakland.

Also, passed Assembly Bill No. 624—An Act amendatory of and supplemental to an Act entitled an Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county, approved January thirty-first, eighteen hundred and seventy.

And, on the fourteenth instant, passed Assembly Bill No. 474—An Act to amend section five hundred and ninety-nine of the Penal Code.

Also, passed Assembly Bill No. 628—An Act to provide for the construction of a railroad from Independence, in the County of Inyo, to the City of Los Angeles, Los Angeles County, and to regulate freights and fares thereon.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 570, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 571, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 326, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 451, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 522, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 524, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 540, above reported, read first and second times, and referred to the delegation named in the bill.



Assembly Bill No. 568, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 569, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 579, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 584, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 579, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 585, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 594, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 596, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 603, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 608, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 622, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 624, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 165, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 283, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 294, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 577, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 474, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 391, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly Bill No. 402, above reported, read first and second times, and referred to the Committee on Public Lands.

[Mr. Tuttle in the chair.]

Assembly Bill No. 423, above reported, read first and second times, and referred to the Committee on Education.

Assembly Bill No. 436, above reported, read first and second times, and referred to the Committee on Claims.

Assembly Bill No. 437, above reported, read first and second times, and referred to the Committee on Claims.

Assembly Bill No. 496, above reported, read first and second times, and referred to the Committee on Finance.

Assembly Bill No. 501, above reported, read first and second times, and referred to the Committee on Finance.

Assembly Bill No. 511, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 447, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 628, above reported, read first and second times, and referred to the Committee on Corporations.



Assembly Bill No. 512, above reported, read first and second times, and referred to the Committee on Roads and Highways.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. McMurry—An Act to amend section five hundred and fourteen of the Civil Code.

Read first and second times, rules suspended, considered engrossed, by unanimous consent read third time, and passed.

By Mr. Finney—An Act to continue and complete the investigation into the alleged frauds in the various land departments of the State of California, and of the United States, within the State of California.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Roach—An Act to provide additional funds for erecting a City Hall in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Duffy (by request)—An Act concerning the management of State Prisons.

Read first and second times, and referred to Committee on State Prison.

By Mr. McCune—An Act to fix the compensation of the District Attorney and Assessor of Solano County.

Read first and second times, and referred to the Committee on State and County Revenue

By Mr. McCune—An Act to authorize the Board of Supervisors of Solano County to levy a road tax.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Goodale—An Act supplementary to and amendatory of an Act entitled an Act providing for the disposition of certain property, passed April twenty-first, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Bush—An Act to amend the special school law of the City of Los Angeles.

Read first and second times, and ordered on file.

By Mr. Tuttle—An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Pendegast—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property, in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed, by unanimous consent read third time, and passed.

By Mr. Farley—An Act to extend the time for selling property for the delinquent taxes of eighteen hundred and seventy-three and eighteen hundred and seventy-four, in the County of Alpine.

Read first and second times, rules suspended, considered engrossed,

and, by unanimous consent, read third time, passed, and ordered transmitted to the Assembly without engrossment.

By Mr. Duffy—An Act amendatory of and supplementary to an Act approved March sixth, eighteen hundred and seventy-two, entitled an Act to incorporate the City of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

#### REPORT.

Mr. Edgerton submitted a report, by leave, as follows:

Mr. PRESIDENT: Your Committee on State Library, to whom was referred Senate Bill No. 416—An Act in relation to the cabinet of minerals belonging to the State, and other purposes—respectfully report that they have had the same under consideration, and herewith report the same back, and recommend that it be indefinitely postponed.

EDGERTON, Chairman.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. McKusick offered a resolution, as follows:

*Resolved*, That the Engrossing Clerk of the Senate be directed to return to the Senate all original bills now reported engrossed, and that hereafter the Engrossing Committee of the Senate be requested to return to the Senate, with their report, the original bill with the engrossed copy.

Adopted.

#### GENERAL FILE.

Senate Bill No. 378—An Act to amend an Act to establish a State Printing Office and to create the office of Superintendent of Public Printing, approved March twenty-sixth, eighteen hundred and seventy-two.

Amendments agreed to in the Committee of the Whole concurred in, and ordered engrossed.

Assembly Bill No. 194—An Act to amend the Code of Civil Procedure relative to liens of mechanics and others upon real property.

Referred to the Judiciary Committee, with the petitions heretofore presented.

Senate Bill No. 425—An Act to release the claim of the State of California to certain lands.

Read third time, and passed.

[Mr. Evans in the chair.]

Senate Concurrent Resolution No. 57—concerning the survey of private land claims in California.

Referred to the Judiciary Committee.

Senate Bill No. 441—An Act to authorize the Board of Supervisors of Stanislaus County to transfer certain funds.

Amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 163—An Act for the more effectual prevention of cruelty to animals.

Amended, read third time, and passed.

Senate Bill No. 156—Proposed amendment to section twenty-one, of Article XI, of the Constitution of this State.

The Legislature of the State of California, at its twentieth session, commenced on the first day of December, one thousand eight hundred and seventy-three, adopt and agree to the following amendment to section twenty-one of Article Eleven of the Constitution of the State (which amendment was heretofore proposed and adopted by the Legislature of said State at its nineteenth session):

"Section 21. All laws, decrees, regulations, and provisions, which from their nature require publication, shall be published in such manner as the Legislature may direct."

Rules suspended, considered engrossed, read third time, and passed, by the following vote:

AYES—Messrs. Bartlett, Beck, Boggs, Bush, Crane, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Fraser, Goodale, Graves, Hendricks, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, Neff, O'Connor, Oulton, Pendegast, Perkins, Spencer, Turner, and Tuttle—31.

NOES—Mr. Roach—1.

By Mr. Duffy:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 147—An Act to amend the Political Code, in relation to highways—have had the same under consideration, and now beg leave to report the bill back, with amendments, and respectfully recommend the passage of the bill as amended.

DUFFY, for Committee.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 366—An Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara;

Also, Senate Bill No. 224—An Act to amend section six hundred and thirty-two of the Penal Code;

Also, Senate Bill No. 181—An Act for the relief of Adolphe E. Servatius;

Also, Senate Bill No. 309—An Act to permit the voters of every township or incorporated city in this State to vote on the question of granting license to sell intoxicating liquors;

And have presented the same to the Governor, for his approval, this day, at twelve o'clock M.

McMURRY, Chairman.

Assembly Bill No. 228—An Act to prohibit the collection of accounts for liquors sold at retail.

Read third time.

On the passage of the bill, the ayes and noes were demanded by the requisite number, and it passed, by the following vote:

AYES—Messrs. Bartlett, Beck, Bush, Crane, Edgerton, Farley, Finney, Fraser, Goodale, Graves, Hendricks, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—27.

NOES—Messrs. Duffy, Dyer, Eakin, Evans, Kent, and McMurry—6.

Assembly Bill No. 236—An Act to quiet title to certain land in Yolo County.

Amendments agreed to in the Committee of the Whole concurred in, read third time, and passed.

Senate Bill No. 390—An Act to abolish attorneys' fees and other charges in savings banks.

Amendments agreed to in Committee of the Whole concurred in, and ordered engrossed.

[President pro tem. in the chair.]

#### SPECIAL ORDER.

Senate Bill No. 189—An Act to establish the office and define the duties of Chaplain for the State Prison.

Senate Bill No. 141—An Act to establish a State Reformatory.

Senate Bill No. 143—An Act to establish a State Reformatory at San Quentin.

Senate Bill No. 87—An Act to provide for the erection and maintenance of a branch prison near the Town of Folsom.

On motion of Mr. Edgerton, it was ordered that Senate Bill No. 87 be considered first.

Mr. Finney moved to postpone the special order until to morrow, at eleven o'clock A. M.

Carried.

#### GENERAL FILE RESUMED.

Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code.

Amendments adopted, read third time, and passed.

Senate Bill No. 398—An Act to add a section to the Political Code, providing official custody of bonds of County Clerks.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 503—An Act legalizing the official acts of Constables in the County of Placer, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four.

Read third time, and passed.

Assembly Bill No. 494—An Act supplemental to and amendatory of an Act fixing the salaries of certain county officers in the County of Inyo, approved February twenty-eighth, eighteen hundred and seventy-four.

Read third time, and passed.

Senate Bill No. 399—An Act to ratify and confirm certain proceedings of the Board of Supervisors of the City and County of San Francisco.

Indefinitely postponed.

Senate Bill No. 94—An Act to amend Part Four of section four thou-



sand one hundred and twenty-two of an Act entitled an Act to establish a Political Code, in reference to County Treasurers' bonds.

Indefinitely postponed.

Senate Bill No. 400—An Act to authorize and empower the County Judge of El Dorado County to appoint Justices of the Peace.

Indefinitely postponed.

Senate Bill No. 391—An Act to prohibit the sale of intoxicating liquors within one and one half miles of the California College, in Solano County.

Indefinitely postponed.

Senate Bill No. 396—An Act to amend section eight hundred and sixty-nine of the Penal Code.

Indefinitely postponed.

Senate Bill No. 406—An Act authorizing W. W. Brown, administrator, to sue the State of California.

Indefinitely postponed.

Senate Bill No. 151—An Act concerning the office of County Assessor, fixing the terms thereof, etc.

Indefinitely postponed.

Assembly Bill No. 334—An Act to amend the Civil Code, relating to liens.

Indefinitely postponed.

Assembly Bill No. 251—An Act to amend section one thousand seven hundred and eighty-eight of the Code of Civil Procedure.

Indefinitely postponed.

Assembly Bill No. 274—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure.

Indefinitely postponed.

Assembly Bill No. 264—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code.

Indefinitely postponed.

At twelve o'clock and twenty-seven minutes P. M., on motion of Mr. Tuttle, the Senate took a recess until two o'clock P. M.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Perkins—An Act in relation to taxation of solvent debts other than those secured by mortgage or other lien.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McCoy—An Act relating to officers and fees of officers in San Diego and San Bernardino Counties.

Read first and second times, and ordered on file.

On motion of Mr. Evans, the rules were suspended, and Assembly Bill No. 9 taken from the table and referred to the Committee on State and County Revenue.

Mr. Farley, Chairman of the Committee on Corporations, submitted a preliminary report upon railroad bills which have been considered by

the committee, and moved that nine hundred and sixty copies of the report be printed.

So ordered.

[Mr. Perkins in the chair.]

#### SPECIAL ORDER.

Senate Bill No. 18—An Act to enforce the education of children

Senate Bill No. 405—An Act to enforce the educational rights of children.

On motion of Mr. Finney, Senate Bill No. 405 was adopted as a substitute for Senate Bill No. 18.

Amendments agreed to in Committee of the Whole concurred in, rules suspended, considered engrossed, read third time.

[President in the chair.]

On the passage of the bill the ayes and noes were demanded by Messrs. Edgerton, Crane, and Finney, resulting as follows:

AYES—Messrs. Andross, Crane, Dyer, Edgerton, Evans, Finney, Fraser, Garratt, Goodale, Graves, Hopkins, Kent, Martin, Neff, Oulton, Perkins, Spencer, and Turner—18.

NOES—Messrs. Bartlett, Beck, Boggs, Bush, Duffy, Farley, Gibbons, Hendricks, Keys, Laine, Lindsey, McCoy, McCune, McMurry, O'Connor, Pendegast, Roach, and Tuttle—18.

The President voted in the affirmative, and the bill passed.

At four o'clock and ten minutes P. M., on motion of Mr. Garratt, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,

Wednesday, March 13th, 1874. }

Senaté met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### REPORTS.

Reports were submitted, as follows:

By Mr. Pendegast:

MR. PRESIDENT: The Committee on the Judiciary have had under consideration Assembly Bill No. 143—An Act to amend the Political Code, respecting the assessment and collection of taxes—and report the same back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 434—An Act to amend sections six hundred and

sixteen and six hundred and seventeen of the Political Code—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Assembly Bill No. 382—An Act to prohibit the feeding of milch cows on the still slops, and the sale of milk from cows fed on still slops, and from sick and diseased cows—and report the same back, and recommend that it do not pass, for the reason that there are sufficient penalties already provided for in the Penal Code for offenses of a like nature with these this bill would guard against.

Also, Senate Bill No. 328—An Act in relation to the formation of a new swamp land district. The committee being divided in opinion, report the same back without recommendation.

Also, Assembly Bill No. 577—An Act to add another section to the Penal Code—and report the same back, and recommend its passage.

Also, Senate Bill No. 330—An Act to amend section five hundred and thirty-six of the Political Code—and report the same back, without recommendation.

Also, Senate Bill No. 453—An Act to amend section three thousand two hundred and ninety-two of the Political Code—and report the same back, and recommend its passage.

Also, Senate Bill No. 27—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure—and report the same back, and recommend that the Senate do not concur in the amendment of the Assembly.

Also, Assembly Bill No. 45—An Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy—and report the same back with a substitute therefor, and respectfully recommend the adoption and passage of the substitute.

Also, Assembly Bill No. 53—An Act to appropriate money for the expenses of the Tide Land Commission—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Joint Resolution No. 57—concerning the surveys of private land claims in California—and report the same back, and recommend its passage.

Also, Assembly Bill No. 476—An Act to amend section three thousand three hundred and sixty-four of the Political Code—and report the same back, and recommend its passage.

PENDEGAST, Chairman.

Subsequently, on motion of Mr. Pendegast, the rules were suspended, and Senate Bill No. 27 taken up.

The Senate refused to concur in Assembly amendments to the bill.

Senate Bill No. 434, above reported, was subsequently taken up, on motion of Mr. Pendegast, and placed on its passage.

Amendments agreed to in Committee of the Whole concurred in, rules suspended, considered engrossed, read third time, and passed.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on the Judiciary have had under consideration Assembly Bill No. 635—An Act to amend section fifty-eight

of the Code of Civil Procedure—and report the same back, and recommend its passage.

PENDEGAST, Chairman.

Rules suspended, and Assembly Bill No. 635 taken up, read third time, and passed.

By Mr. Irwin:

Mr. PRESIDENT: The Committee on Finance, to whom was referred Senate Bill No. 334—An Act to authorize the Controller and Treasurer of State to transfer certain funds—report that they have examined the same, and recommend that it do pass.

Also, Assembly Bill No. 442—An Act to pay certain claims for services rendered as witnesses summoned on behalf of the State—and recommend that it be referred to the Committee on Claims.

Also, Assembly Bill No. 164—An Act to provide for the return to the State Treasury and for cancellation of certain Controller's warrants—and recommend that the same do pass.

Also, Senate Bill No. 412—An Act to reimburse the several counties of this State for moneys paid for copies of the Codes, and to provide for a more complete distribution thereof—report that they have examined the same, and recommend its passage.

Also, Assembly Bill No. 496—An Act to provide for the payment of two thousand dollars to the Grass Valley Orphan Asylum, appropriated by the Legislature, April first, eighteen hundred and seventy-two—report that they have examined the same, and recommend that it do pass.

Also, Senate Bill No. 316—An Act entitled an Act to amend certain sections and to repeal certain sections of the Political Code relating to the government of the Normal School—and amend the same, and recommend its passage as amended.

IRWIN, Chairman.

Assembly Bill No. 442, above reported, was referred to the Committee on Claims.

By Mr. Farley:

Mr. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 394—An Act to incorporate the Town of Hollister—have had the same under consideration, and herewith report it back with amendments, and respectfully recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 346—An Act to provide for the erection of county buildings in the County of Alameda, and for the issuance of bonds therefor—and report the same back with a substitute, and respectfully recommend the passage of the substitute.

FARLEY, Chairman.

Mr. Gibbons moved to suspend the rules to take up Senate Bill No. 346, above reported, on which the ayes and noes were demanded by Messrs. Evans, Edgerton, and Gibbons, and the motion was lost, two thirds failing to vote in the affirmative:

AYES—Messrs. Bush, Crane, Evans, Farley, Fraser, Gibbons, Hen-



dricks, Irwin, Keys, Laine, Lindsey, McCoy, McMurry, Neff, Perkins, Roach, Turner, and Tuttle—18.

NOES—Messrs. Bartlett, Beck, Duffy, Edgerton, Finney, Goodale, Graves, Hopkins, Kent, McCune, O'Connor, Oulton, and Pendegast—13.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 407—An Act for the protection of buoys and beacons.

Also, Senate Bill No. 436—An Act to legalize certain proceedings in Reclamation District Number One Hundred and Twenty-four.

TUTTLE, for Committee.

By Mr. Gibbons:

MR. PRESIDENT: The Committee on Education, to whom was referred Assembly Bill No. 423—An Act making an appropriation for the purchase of apparatus for the State Normal School—beg leave to report the same back, and recommend its passage.

GIBBONS, for Committee.

By Mr. Tuttle:

MR. PRESIDENT: The Sonoma delegation having considered Assembly Bill No. 568—An Act to empower the Board of Trustees of Court House District, in the County of Sonoma, to raise additional funds for school purposes—report the same back, and recommend its passage.

TUTTLE, for Delegation.

Mr. Turner, for the delegation, verbally reported Assembly Bill No. 569, recommending its passage—An Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the payment thereof in certain funds.

Rules suspended, and the bill taken up, read third time, and passed.

By Mr. Pendegast:

MR. PRESIDENT: The Committee of Free Conference, on the disagreeing vote of the two Houses, in reference to certain amendments to Assembly Bill No. 102—An Act to amend the Code of Civil Procedure—having duly considered the subject of such disagreement, hereby recommend that the Senate recede from its amendments to sections eighty-five, ninety-nine, one hundred and seventy-four, one hundred and seventy-five, and one hundred and seventy-six, and that the Assembly concur in Senate amendment to section one hundred and twenty-four.

PENDEGAST,  
LAINE,  
GRAVES,

On the part of the Senate.

WILLIAMS,  
COWDERY,  
MURPHY,

On the part of the Assembly.

Report adopted.

Mr. Pendegast verbally reported Assembly Bill No. 543—An Act to provide for the purchase and construction of free bridges in Big River Township, in Mendocino County—recommending its passage.

By Mr. Irwin:

Mr. PRESIDENT: The delegation from Modoc, to whom was referred Assembly Bill No. 537—An Act to provide for the payment of a debt due N. Fitzgerald, from the Lake City School District, in Modoc County—have had the same under consideration, and now report it back, with the recommendation that it pass.

Also, Assembly Bill No. 608—An Act supplemental to an Act entitled an Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization, approved February seventeen, eighteen hundred and seventy-four—and now report it back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

IRWIN, for Delegation.

Rules suspended, and the bills above reported taken up.

Assembly Bill No. 537, read third time, and passed.

Assembly Bill No. 608, amendments adopted, read third time, and passed.

Mr. Laine verbally reported Assembly Bill No. 326—An Act to repeal an Act entitled an Act to provide for the opening and improving of Santa Clara and Saratoga Avenue, in the County of Santa Clara, approved March sixteenth, eighteen hundred and seventy-two—recommending its passage.

Rules suspended, and the bill taken up and placed on its passage, amendments adopted, read third time, and passed.

By Mr. Fraser:

Mr. PRESIDENT: The El Dorado delegation, to whom was referred Senate Bill No. 422—An Act to organize the Board of Supervisors and define their duties in the County of El Dorado—respectfully report that they have had the same under consideration, and report the same back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

FRASER, for Delegation.

[Mr. Tuttle in the chair.]

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 18th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, amended and passed Senate Bill No. 427—An Act authorizing the transcribing of certain records in the County of Sacramento.

Also, passed Assembly Bill No. 397—An Act to enable the electors of the State to nominate their United States Senators.

Also, passed Assembly Bill No. 424—An Act to amend sections six hundred and sixty and six hundred and sixty-one of the Political Code.

Also, adopted the report of the Committee of Free Conference on Assembly Bill No. 102—An Act to amend the Code of Civil Procedure.

Also, appointed Mr. Paulsell as Committee of Conference on Assembly Bill No. 420—An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County.

Also, that the House concurred in Senate amendments to Assembly Bill No. 506—An Act concerning roads in the County of Butte.

Also, concurred in Senate amendment to Assembly Bill No. 370—An Act to amend an Act entitled an Act regulating proceedings in Courts of record of Nevada County, in certain cases.

Also, on the same day, passed Assembly Bill No. 552—An Act relative to the powers of the Boards of Supervisors of the Counties of Yolo and Solano.

Also, passed Assembly Bill No. 567—An Act to declare Moro Cojo Slough, in Monterey County, navigable.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 17th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the thirteenth instant, passed Assembly Bill No. 516—An Act to amend the city charter of the City of Healdsburg, in Sonoma County.

Also, on the fourteenth instant, passed Assembly Bill No. 473—An Act to repeal an Act entitled an Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals or sea lions, at and near the entrance to the harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six.

Also, on this day, passed Senate Bill No. 95—An Act to protect bona fide settlers upon public lands.

Also, passed Senate Bill No. 433—An Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco.

Also, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 662—An Act to amend an Act entitled an Act to provide for the opening and improving of Santa Clara Avenue, in the County of Santa Clara, approved March fifteenth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 667—An Act amendatory of and supplementary to an Act entitled an Act to reincorporate the Town of Santa Clara, approved March sixth, eighteen hundred and seventy-two.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 397, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 424, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 552, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 567, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 662, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 667, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 473, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 516, above reported, read first and second times, and referred to the Committee on Corporations.

Senate Bill No. 427, above reported, Assembly amendments concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Neff—An Act to fix the salary of the County Recorder of the County of Placer.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read third time, and passed, and ordered to the Assembly without engrossment.

By Mr. Bush—An Act to amend section twelve hundred and sixty-one of the Civil Code of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Beck—An Act to authorize the State Board of Examiners to allow certain claims against the State.

Read first and second times, and referred to the Committee on Claims.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. McMurry, for the Committee on Contingent Expenses, offered a resolution, as follows:

*Resolved*, That the Minute Clerk be authorized to appoint an assistant, who shall also assist in writing the Senate Journal during the remainder of the session; said assistant to receive the same per diem paid the Journal Clerk, payable out of the appropriation for the contingent expenses of the Senate; and that the per diem of the Assistant Journal Clerk, heretofore appointed, cease on and after this date.

Adopted.

[President in the chair.]

#### SPECIAL ORDER.

Senate Bill No. 189, Senate Bill No. 111, Senate Bill No. 113, and Senate Bill No. 87—An Act to provide for the erection and maintenance of a branch prison near the Town of Folsom.



Senate Bill No. 87 taken up, amendments adopted in the Committee of the Whole concurred in.

At twelve o'clock and fifty-seven minutes P. M., on motion of Mr. Edgerton, the Senate took a recess until two o'clock P. M.

#### REASSEMBLED.

At two o'clock P. M., the Senate reassembled.

The President in the chair.

Roll called, and a quorum present.

#### REPORTS.

Mr. Pendegast submitted a report, as follows:

Mr. PRESIDENT: The Committee on the Judiciary have had under consideration Senate Bill No. 448—An Act to amend section six hundred and sixty of the Civil Code—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Assembly Bill No. 165—An Act to amend the Civil Code of this State—and report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 385—An Act to add to Title II, Part III, of the Civil Code, sections providing for contesting all elections—and report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 294—An Act to amend section thirty-five hundred and seventy-three of the Political Code—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 451—An Act to amend section eighteen hundred and seventy-nine of the Code of Civil Procedure—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 444—An Act to amend section twenty-two hundred and twenty of the Political Code—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 474—An Act to amend section five hundred and ninety-nine of the Penal Code—and report the same back, without recommendation.

Also, Senate Bill No. 450—An Act to amend the Penal Code concerning the examination of persons accused of crime before committing magistrates—and report the same back, and recommend its passage.

Also, Senate Bill No. 414—An Act legalizing the State tax and assessment in the several counties in eighteen hundred and seventy-two and eighteen hundred and seventy-three—and report the same back, and recommend its passage.

Also, Senate Bill No. 432—An Act to provide for the payment of salaries of the members of the State Board of Examiners for their official term ending December fourth, eighteen hundred and seventy-one—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 452—An Act to provide for the collection of the unpaid taxes due for the fiscal years eighteen hundred and seventy-two and eighteen hundred and seventy-three, and eighteen hundred and seventy-three and eighteen hundred and seventy-four—and report the same back, and recommend its passage.

Also, Senate Bill No. 456—An Act to legalize certain conveyances, leases, and other instruments in writing affecting certain real estate in Colusa County—and report the same back, and recommend its passage.

PENDEGAST, Chairman.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 95—An Act to protect bona fide settlers upon public lands;

Also, Substitute for Senate Bill No. 433—An Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco;

And have presented the same to the Governor, for his approval, this day, at eleven o'clock and thirty minutes A. M.

McMURRY, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Edgerton—An Act to provide a Contingent Fund for the Chief of Police of the City of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

Also (by request)—An Act to protect parties in making contracts of fire insurance.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Boggs—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals in the County of Colusa, approved March twenty-eighth, eighteen hundred and seventy-two.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time, and passed.

#### REPORT.

Mr. Duffy, for the Committee on Public Buildings and Grounds, verbally reported Assembly Bill No. 32—An Act to authorize the appointment of certain permanent employes of the State Capitol, and fixing their compensation, with a substitute, recommending the passage of the substitute.

#### SPECIAL ORDER RESUMED.

Senate Bill No. 87, amended. On the engrossment of the bill, the ayes and noes were demanded by Messrs. Tuttle, Goodale, and Edgerton, and it was ordered engrossed, by a vote as follows:

AYES—Messrs. Boggs, Crane, Duffy, Dyer, Eakin, Edgerton, Fraser, Garratt, Hendricks, Hopkins, Kent, Martin, McCoy, McKusick, Neff, Pendegast, Roach, and Spencer—18.

NOES—Messrs. Bartlett, Bush, DeHaven, Farley, Finney, Gibbons, Goodale, Graves, Keys, Laine, Lindsey, McCune, O'Connor, Oulton, Perkins, and Tuttle—16.

Senate Bill No. 189—Passed on file.

Senate Bill No. 141—An Act to establish a State Reformatory.

Amendment made in the Committee of the Whole adopted, and ordered engrossed.

Senate Bill No. 143—An Act to establish a State Reformatory at San Quentin.

Withdrawn by its author, by unanimous consent.

#### REPORTS.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 427—An Act authorizing the transcribing of certain records in the County of Sacramento;

Also, Senate Bill No. 469—An Act to extend the time for selling property for the delinquent taxes of eighteen hundred and seventy-three and eighteen hundred and seventy-four, in the County of Alpine;

And have presented the same to the Governor, for his approval, this day, at two o'clock and twenty-five minutes P. M.

McMURRY, Chairman.

By Mr. Spencer:

MR. PRESIDENT: The Sutter delegation, to whom was referred Assembly Bill No. 571—An Act concerning roads and highways in the County of Sutter—have had the same under consideration, and beg to report it back, and recommend its passage.

Also, Assembly Bill No. 570—An Act to incorporate the Town of Yuba City—report it back, and recommend its reference to the Committee on Corporations.

SPENCER, for Delegation.

So referred.

#### GENERAL FILE.

Assembly Bill No. 73—An Act to provide for the payment of the indebtedness incurred in repairing and refitting the State Capitol.

Read third time, and passed.

Assembly Bill No. 389—An Act for the relief of James P. Sargent.

Indefinitely postponed.

Assembly Bill No. 554—An Act to authorize the transfer and loan of certain funds in Solano County.

Indefinitely postponed.

Senate Bill No. 423—An Act authorizing and empowering the Board of Supervisors of the City and County of San Francisco to provide for watering the streets and roads of said city and county.

Indefinitely postponed.

Senate Bill No. 416—An Act in relation to the cabinet of minerals belonging to the State, and other purposes.

Indefinitely postponed.

Senate Bill No. 382.

Referred to the Judiciary Committee.

Senate Bill No. 435—An Act to provide for the payment of certain Controller's warrants.

Amendments agreed to in Committee of the Whole adopted, and passed on file.

Senate Bill No. 426.

Recommitted to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 510—An Act supplementary to an Act entitled an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor, approved April first, eighteen hundred and seventy-two.

Amendments adopted, read third time, and passed.

#### INTRODUCTION OF BILLS.

Mr. Goodale, by leave, introduced a bill, as follows:

An Act amendatory of an Act declaring Arroyo de San Antonio, in Marin County, navigable, approved March twenty-eighth, eighteen hundred and sixty.

Read first and second times, and ordered on file.

#### REPORTS.

Mr. Beck submitted a report from the Committee on Public Buildings and Grounds, in reference to the manner in which the money appropriated at the last session of the Legislature for building purposes, in connection with the University at Berkeley, had been expended, etc.

The report was ordered printed.

By Mr. Beck:

Mr. PRESIDENT: The Santa Cruz delegation, to whom was referred Assembly Bill No. 624—An Act amendatory of and supplemental to an Act entitled an Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county—report the bill back, and recommend its passage.

BECK, for Delegation.

#### GENERAL FILE RESUMED.

Assembly Bill No. 349—An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims.

Substitute adopted, amended, read third time, and passed.

Senate Bill No. 466—An Act to amend the special school law of the City of Los Angeles.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 147.

Ordered to top of file for to-morrow.

Senate Bill No. 471—An Act relating to officers and fees of office in San Diego and San Bernardino Counties.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 590—An Act to authorize the City and County of San Francisco to provide and maintain public waterworks for said city and county, and to condemn and purchase private property for that purpose.

Read first and second times, and referred to the San Francisco delegation.



At five o'clock and five minutes P. M., on motion of Mr. Fraser, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Thursday, March 19th, 1874. }

Senate met at ten o'clock A. M., pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

### PETITIONS.

Mr. Tuttle presented a petition from firemen of Sonoma County, praying for the passage of a law to exempt them from the payment of State poll tax.

Received, and laid on the table.

By Mr. Boggs—A petition from owners of land injured or liable to be injured by the draining of the natural outlet of the waters of Butte Creek and Butte Slough, etc.

Received, and on motion of Mr. Boggs, the petition was referred to the Judiciary Committee, to take such action in reference to the subject as they deem proper.

By Mr. Farley—A remonstrance against the reincorporation of the Town of Sutter Creek.

Received, and referred to the delegation.

### REPORTS.

Reports were submitted as follows:

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 459—An Act to amend section five hundred and fourteen of the Civil Code.

Also, Senate Bill No. 468—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Also, Senate Bill No. 441—An Act to authorize the Boards of Supervisors of the counties named therein to transfer certain funds, and to empower the Boards of Supervisors of said counties to levy a tax, when necessary, to provide the means to return said funds when required.

Also, Senate Bill No. 156—proposed amendment to section twenty-one of Article Eleven of the Constitution of this State.

Also, Senate Bill No. 390—An Act to abolish attorneys' fees and other charges in savings banks.

Also, Senate Bill No. 378—An Act to amend an Act entitled an Act to establish a State Printing Office, and to create the office of Superintendent of Public Printing, approved March twenty-sixth, eighteen hundred and seventy-two.

Also, Senate Bill No. 398—An Act to add a section to the Political Code of the State of California, providing official custody for the bonds of County Clerks.

Also, Senate Bill No. 434—An Act to amend sections six hundred and sixteen and six hundred and seventeen of the Political Code.

TUTTLE, for Committee.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on State and County Revenue, to whom was referred Senate Bill No. 463—An Act to fix the compensation of the District Attorney and Assessor of Solano County—would report the bill back, with a substitute, and recommend the adoption and passage of the same.

O'CONNOR, Chairman.

Rules suspended, and the above reported bill taken up, substitute adopted, considered engrossed, read third time, and passed.

By Mr. Graves:

MR. PRESIDENT: Your Committee on Federal Relations have considered Assembly Concurrent Resolution No. 46—relative to a certain bill pending in Congress concerning homes for Mission Indians in California—and report the same back, and recommend its passage.

Also, Assembly Concurrent Resolution No. 44—relative to the establishment of a mail route from Reno, in the State of Nevada, to Quincy, in the County of Plumas, in the State of California—and report it back, and recommend its passage.

GRAVES, Chairman.

By Mr. Farley:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 570—An Act to incorporate the Town of Yuba City—have had the same under consideration, and herewith report the bill back, and recommend its passage.

Your committee have also had under consideration Assembly Bill No. 516—An Act to amend the city charter of the City of Healdsburg, in Sonoma County—and find that the bill provides that before becoming a law, it shall be submitted to the electors of that municipality for ratification or rejection. With this provision in the bill, the committee cannot recommend its passage, but herewith report the same back, recommending that it be referred to the delegation from Sonoma County.

The committee have also had under consideration Senate Bill No. 467—An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight—and report the same back, with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

FARLEY, Chairman.

Assembly Bill No. 516, referred to the Sonoma County delegation.

Mr. Farley, for the Committee on Corporations, verbally reported Senate Bill No. 214—An Act to regulate the building and maintaining of depots and stations, and the stopping of trains thereat, upon the several railroads in the State of California.

Also, Senate Bill No. 165—An Act to prevent extortion and unjust discrimination in the rates charged for the transportation of passengers and freights on railroads and steamboats in this State, and to punish the same—without recommendation.

By Mr. McCune:

Mr. PRESIDENT: The Solano and Yolo delegation have had under consideration Assembly Bill No. 552—relative to the powers of the Boards of Supervisors in the Counties of Yolo and Solano—would report the bill back, and recommend its passage.

Also, Assembly Bill No. 603—An Act to provide for the payment of certain outstanding road warrants of Yolo County, and to provide for levying taxes for county purposes, in said county—would report the bill back, and recommend its passage.

McCUNE, for Delegation.

By Mr. Garratt:

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 594—An Act to legalize the grades of certain streets in the City and County of San Francisco—having had the same under consideration, report the same back, and recommend its passage.

Also, Assembly Bill No. 596—An Act authorizing the Board of Education of the City and County of San Francisco to exchange a lot of land in said city and county—report the same back, and recommend its passage.

Also, Assembly Bill No. 585—An Act to cure and remove certain defects and irregularities in actions heretofore commenced under Ordinance Number Ten Hundred and Sixty-six of the Board of Supervisors of the City and County of San Francisco—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 473—An Act to repeal an Act entitled an Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals, or sea lions, at and near the entrance to the harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 252—An Act to enable the City and County of San Francisco to issue revenue bonds—report the same back and recommend that it do not pass.

Also, Assembly Bill No. 536—An Act to legalize, ratify, and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, and the contracts made thereunder—report the same back, and recommend its passage by a majority of the delegation.

Also, Assembly Bill No. 359—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county—report the same back amended, and a majority recommend its passage as amended.

Also, Substitute for Assembly Bill No. 24—An Act entitled an Act to authorize the Board of Education of the City and County of San Fran-

cisco to establish and maintain a labor school in and for said city and county—report the same back, and a majority of the delegation recommend that it do not pass.

GARRATT, Chairman.

By Mr. Hopkins:

Mr. PRESIDENT: The delegation from Calaveras County, to whom was referred Assembly Bill No. 566—entitled an Act to protect agriculture in the County of Calaveras—respectfully report the same back with amendments, and recommend its passage as amended.

DYER,  
HOPKINS,  
Delegation.

Rules suspended, the bill above reported taken up, amendments adopted, read third time, and passed.

Mr. Laine verbally reported Assembly Bill No. 662—An Act to amend an Act entitled an Act to provide for the opening and improving of Santa Clara Avenue, in the County of Santa Clara, approved March fifteenth, eighteen hundred and seventy-two, recommending its passage.

Rules suspended, read third time, and passed.

Also, Assembly Bill No. 667—An Act amendatory of and supplementary to an Act entitled an Act to reincorporate the Town of Santa Clara, approved March sixth, eighteen hundred and seventy-two, with an amendment, recommending the adoption of the amendment, and the passage of the bill as amended.

Rules suspended, bill taken up, amendment adopted, read third time, and passed.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 18th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the seventeenth instant, passed Assembly Bill No. 462—An Act to amend the Penal Code.

Also, passed Assembly Bill No. 617—An Act to protect agriculture in the County of San Joaquin.

Also, passed Assembly Bill No. 637—An Act making the County Treasurer of San Joaquin County ex officio Tax Collector, and the County Recorder ex officio Auditor.

Also, on this date, passed Assembly Bill No. 199—An Act in relation to the swamp and overflowed lands of this State.

Also, amended and passed Senate Bill No. 314—An Act to amend certain sections and repeal certain sections of the Penal Code.

Also, on this day, under a suspension of the rules, passed Assembly Bill No. 595—An Act to authorize the City and County of San Francisco to provide and maintain public waterworks for said city and county, and to condemn and purchase private property for that purpose, and ordered the same transmitted to the Senate without engrossment.



Also, on the eleventh instant, passed Assembly Bill No. 591—An Act authorizing the County Auditor of Santa Clara County to provide himself with a seal.

Also, on the eighteenth instant, passed Assembly Bill No. 246—An Act to regulate and govern the California State Prison.

WEBBER, Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 18th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the sixteenth instant, passed Assembly Bill No. 215—An Act to prevent fraudulent sales of merchandise.

Also, passed Assembly Bill No. 332—An Act to create a permanent Commission on law codification.

Also, on the seventeenth instant, passed Assembly Bill No. 525—An Act for the protection of game and fish.

Also, on this eighteenth day of March, passed Senate Bill No. 469—An Act to extend the time for selling property for the delinquent taxes of eighteen hundred and seventy-three and eighteen hundred and seventy-four, in the County of Alpine.

Also, refused to concur in Senate amendments to Assembly Bill No. 503—An Act legalizing the official acts of Constables in the County of Placer, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy four.

Also, that the Assembly, on this day, concurred in Senate amendments to Assembly Bill No. 236—An Act to quiet title to certain lands in Yolo County.

WEBBER, Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 19th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Bill No. 50—An Act regulating public highways in the County of Colusa.

Also, amended and passed Senate Bill No. 74—An Act to define the boundary line between the Counties of Tulare and Fresno.

Also, passed Senate Bill No. 157—An Act to repeal an Act entitled an Act concerning service of summons upon absent defendants by publication, approved March fifteenth, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 204—An Act for the protection of preemption and homestead claimants.

Also, passed Senate Bill No. 218—An Act to repeal an Act entitled an Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto, approved February first, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 225—An Act to amend the Code of Civil Procedure of the State of California.

Also, amended and passed Senate Bill No. 237—An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma, approved March twenty-third, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 312—An Act to repeal the Act creating

the offices of Public Administrator and Coroner of Stanislaus County, and provide for the performance of the duties of the same by the Superintendent of Common Schools.

Also, passed Senate Bill No. 335—An Act to fix the compensation of the School Superintendent of the County of Stanislaus.

Also, passed Senate Bill No. 348—An Act to amend an Act entitled an Act to incorporate the Town of Colusa.

Also, passed Senate Bill No. 353—An Act to amend section four thousand and one of the Political Code.

Also, passed Senate Bill No. 359—An Act to add another section to the Penal Code.

Also, passed Senate Bill No. 365—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals in the County of Monterey.

Also, passed Senate Bill No. 370—An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the City of Los Angeles, to build and establish a County Almshouse and Hospital thereon, and to issue bonds for the payment thereof.

Also, passed Senate Bill No. 377—An Act to enforce the collection of poll taxes in the County of Calaveras.

Also, passed Senate Bill No. 421—An Act to dispense with copies of the Great Register in certain elections in Napa County.

Also, passed Senate Bill No. 430—An Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in the County of Napa, approved March thirty-first, eighteen hundred and sixty-six.

Also, passed Senate Bill No. 428—An Act to regulate the fees of certain officers in the County of Mendocino.

Also, adopted Assembly Concurrent Resolution No. 57—to correctly sectionize Assembly Bill No. 102.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Concurrent Resolution No. 57, above reported, concurred in.

Assembly Bill No. 246, above reported, read first and second times, and referred to the Committee on State and County Revenue.

Assembly Bill No. 332, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 215, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 462, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 637, above reported, read first and second times, and referred to the delegation.

Assembly Bill No. 591, above reported, read first and second times, and referred to the delegation.

Assembly Bill No. 617, above reported, read first and second times, and referred to the delegation.

Assembly Bill No. 525, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly Bill No. 199, above reported, read first and second times, and referred to the Committee on State and County Revenue.

Assembly Bill No. 503, above reported, the Senate adhered to its amendments to the bill.

Senate Bill No. 314, above reported, Assembly amendments concurred in.

Senate Bill No. 74, above reported, Assembly amendments concurred in.

Senate Bill No. 237, above reported, the Senate refused to concur in Assembly amendments.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Evans—An Act for the encouragement of agriculture, and other industries.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Duffy—An Act to amend section one hundred and sixty-seven of the Civil Code.

Read first and second times, and referred to the Committee on Judiciary.

By Mr. Boggs—An Act to amend certain sections and repeal others of the Political Code of the State of California, so far as they relate to the collection of revenue in the County of Colusa.

Read first and second times, and referred to the Committee on State and County Revenue.

By Mr. Boggs—An Act to regulate fees and salaries of certain officers in the County of Colusa, and to repeal all Acts now in force in relation thereto.

Read first and second times, and referred to the Committee on State and County Revenue.

By Mr. Edgerton—An Act relating to streets and roads in the City and County of Sacramento.

Read first and second times, and referred to the delegation. Subsequently reported, and passage recommended. Rules suspended, and bill placed on its passage, amended, and by unanimous consent read third time, and passed, and ordered transmitted to the Assembly without engrossment.

By Mr. Gibbons—An Act to amend an Act entitled an Act to authorize the construction of a swing or drawbridge across the San Antonio Creek, in the County of Alameda, approved April fourth, eighteen hundred and seventy.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time, and passed.

By Mr. Pendegast—An Act to confer additional power on municipal authorities in incorporated cities and towns in this State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McKusick—An Act restricting the herding of sheep and goats to certain pastures, in the County of El Dorado.

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time and passed, and transmitted to the Assembly without engrossment.

## SPECIAL ORDER.

Assembly Bill No. 2—An Act to regulate fares and freights on the railroads in the State of California.

Senate Bill No. 449—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State.

Senate Bill No. 150—An Act creating a Board of Transportation Commissioners, and prescribing their duties and powers.

Mr. Edgerton moved to postpone the special order until Monday, the twenty-third instant, at eleven o'clock A. M.

Amended, on motion of Mr. Farley, to include Senate Bills Nos. 214 and 165, and all bills upon railroad matters.

The motion, as amended, prevailed.

[Mr. Tuttle in the chair.]

## REPORTS.

Reports were submitted, as follows:

Mr. Boggs, for the Committee on Counties and County Boundaries, verbally reported Senate Bill No. 307—An Act to amend the Political Code in reference to the boundaries of Alameda County—without recommendation.

By Mr. Bush:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 258—An Act to amend the charter of the City of Los Angeles, to define its limits and rights, enlarge its powers, and provide for its more efficient government.

BUSH, for the Committee.

## GENERAL FILE.

Assembly Bill No. 147—An Act to amend the Political Code in relation to highways.

On motion of Mr. Pendegast, referred to the Judiciary Committee.

Senate Bill No. 435—An Act to provide for the payment of certain Controller's warrants.

Was taken up out of its order, on motion of Mr. Boggs, and amendments agreed to in Committee of the Whole adopted.

Mr. Boggs moved to suspend the rules, to consider the bill engrossed, and place it on its final passage; on which the ayes and noes were demanded by Messrs. Lindsey, Fraser, and Neff, and the motion was lost, two thirds failing to vote in the affirmative.

AYES—Messrs. Boggs, Crane, Duffy, Edgerton, Evans, Farley, Gibbons, Graves, Hendricks, Hopkins, Martin, McCoy, Neff, Oulton, Pendegast, Spencer, and Turner—17.

NOES—Messrs. Bartlett, Beck, Bush, DeHaven, Fraser, Garratt, Goodale, Irwin, Laine, Lindsey, McCune, McMurry, O'Connor, Roach, and Tuttle—15.

The bill was ordered engrossed.



Senate Bill No. 436—An Act to legalize certain proceedings in Reclamation District Number One Hundred and Twenty-four.

Read third time, and passed.

Senate Bill No. 458—Proposed amendments to the Constitution of the State of California.

On motion of Mr. Pendegast, made special order for Wednesday next, the twenty-fifth instant, at eleven o'clock A. M.

Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes.

Passed on file.

Assembly Bill No. 382—An Act to prohibit the feeding of milch cows on still slops, and the sale of milk from cows fed on still slops, and from sick or diseased cows.

Indefinitely postponed.

At one o'clock P. M., the Senate took a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

#### REPORTS.

Mr. Neff submitted the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 405—An Act to enforce the educational rights of children.

NEFF, Chairman.

Mr. O'Connor verbally reported Senate Bill No. 393—An Act for the better protection of stockholders in corporations formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining—with a substitute, recommending the adoption of the substitute and the passage of the bill.

Assembly Bill No. 143 taken up, amendments agreed to in Committee of the Whole adopted, read third time, and passed.

Mr. Hendricks, by leave, offered a resolution, as follows:

*Resolved by the Senate, the Assembly concurring, That a committee of three from each House be appointed to confer relative to the payment of the outstanding Indian war indebtedness of eighteen hundred and fifty-one and eighteen hundred and fifty-two.*

Adopted.

#### GENERAL FILE RESUMED.

Senate Bill No. 328—An Act in relation to the formation of a new swamp land district.

Reported from the Committee of the Whole with amendments. On adopting amendments agreed to in the Committee of the Whole, the ayes and noes were demanded by Messrs. Duffy, Edgerton, and Lindsey, and they were adopted, by a vote as follows:

AYES — Messrs. Andross, Bartlett, Boggs, Bush, Farley, Gibbons, Graves, Hopkins, Kent, Keys, Laine, McCune, McKusick, McMurry, O'Connor, Pendegast, Spencer, Turner, and Tuttle—19.

NOES—Messrs. Crane, DeHaven, Duffy, Dyer, Edgerton, Finney, Frasier, Garratt, Goodale, Hendricks, Lindsey, McCoy, Neff, Oulton, and Perkins—15.

Bill ordered engrossed.

Assembly Bill No. 577—An Act to add another section to the Penal Code.

Read third time, and passed.

Senate Bill No. 330—An Act to amend section five hundred and thirty-six of the Political Code.

The Senate refused to order the bill engrossed.

Senate Bill No. 453—An Act to amend section three thousand two hundred and ninety-two of the Political Code.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bills Nos. 45 and 53, referred to the Judiciary Committee.

#### REPORT.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 204—An Act for the protection of preemption and homestead claimants;

Also, Senate Bill No. 377—An Act to enforce the collection of poll taxes in Calaveras County;

Also, Senate Bill No. 218—An Act to repeal an Act entitled an Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto, approved February first, eighteen hundred and seventy-two;

Also, Senate Bill No. 157—An Act to repeal an Act entitled an Act concerning service of summons upon absent defendants by publication, approved March fifteenth, eighteen hundred and seventy-two;

And have presented the same to the Governor, for his approval, this day, at three o'clock P. M.

McMURRY, Chairman.

#### GENERAL FILE RESUMED.

Senate Concurrent Resolution No. 57, passed on file, and ordered printed.

Assembly Bill No. 476—An Act to amend section thirty-three hundred and sixty-four of the Political Code.

Read third time, and passed.

Assembly Bill No. 164—An Act to provide for the return to the State Treasury and for cancellation of certain Controller's warrants.

Read third time, and passed.

Senate Bill No. 334—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 412—An Act to reimburse the several counties of this State for moneys paid for copies of the Codes, and to provide for a more complete distribution thereof.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 496—An Act to provide for the payment of two thousand dollars to the Grass Valley Orphan Asylum, appropriated by the Legislature April first, eighteen hundred and seventy-two.

Read third time, and passed.

[Mr. Perkins in the chair.]

Senate Bill No. 316—An Act to amend certain sections and to repeal certain sections of the Political Code, relating to the government of the State Normal School.

Amendments agreed to in Committee of the Whole adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 394—An Act to incorporate the Town of Hollister.

Amendments agreed to in Committee of the Whole adopted, read third time, and passed.

Mr. Duffy gave notice that, on to-morrow, he would move to reconsider the vote whereby the Senate refused to order Senate Bill No. 330 engrossed.

Senate Bill No. 346—An Act to provide for the erection of county buildings in the County of Alameda, and for the issuance of bonds therefor.

Substitute adopted, rules suspended, considered engrossed, and by unanimous consent read third time, and passed, and ordered transmitted to the Assembly without engrossment.

Assembly Bill No. 423—An Act making an appropriation for the purchase of apparatus for the State Normal School.

Read third time, and passed.

Assembly Bill No. 568—An Act to authorize and empower the Board of Trustees of Court House School District, in the County of Sonoma, to raise additional funds for school purposes.

Read third time, and passed.

Assembly Bill No. 453—An Act to provide for the purchase and construction of free bridges in Big River Township, County of Mendocino.

Read third time, and passed.

Senate Bill No. 448—An Act to amend section six hundred and sixty of the Civil Code.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 422—An Act to organize the Board of Supervisors, and to define their duties and powers, in the County of El Dorado.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 165—An Act to amend the Civil Code of this State. Indefinitely postponed.

Assembly Bill No. 385—An Act to add to Title II, Part III, of the Code of Civil Procedure, sections providing for contesting all elections. Indefinitely postponed.

Assembly Bill No. 294—An Act to amend section thirty-five hundred and seventy-three of the Political Code.

Indefinitely postponed.

Senate Bill No. 451—An Act to amend section eighteen hundred and seventy-nine of the Code of Civil Procedure.

Indefinitely postponed.

Senate Bill No. 444—An Act to amend section twenty-two hundred and twenty of the Political Code.

Indefinitely postponed.

Assembly Bill No. 474—An Act to amend section five hundred and ninety-nine of the Penal Code.

Laid on the table.

Senate Bill No. 414—An Act legalizing the State tax and assessments in the several counties in eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 450—An Act to amend the Penal Code concerning the examination of persons accused of crime before committing magistrates.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 432—An Act to provide for the payment of salaries of the members of the State Board of Examiners for their official term ending December fourth, eighteen hundred and seventy-one.

Indefinitely postponed.

Senate Bill No. 452—An Act to provide for the collection of the unpaid taxes due for the fiscal years eighteen hundred and seventy-two and eighteen hundred and seventy-three, and eighteen hundred and seventy-three and eighteen hundred and seventy-four.

Amended, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 456—An Act to legalize certain conveyances, leases, and other instruments in writing affecting certain real estate in Colusa County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 32, ordered to head of the file to-morrow.

Assembly Bill No. 624, passed on file.

Senate Bill No. 189—An Act to establish the office and define the duties of Chaplain of the State Prison.

Laid on the table.

Assembly Bill No. 571—An Act concerning roads and highways in the County of Sutter.

Read third time, and passed.

Senate Bill No. 479, referred to the Marin County delegation.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 19th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the seventeenth instant, passed Assembly Bill No. 523—An Act to amend the provisions of the Political Code relative to public schools.

Also, on the eighteenth instant, passed Assembly Bill No. 659—An Act to provide for the construction of a railroad from the City of Marysville, in the County of Yuba, to Knight's Landing, in the County of Yolo, and to regulate fares and freights thereon.

Also, passed Assembly Bill No. 623—An Act to authorize the Board of Supervisors of Mendocino County to issue additional coupons to the holders of certain bonds.

Also, passed Assembly Bill No. 573—An Act to amend an Act entitled



an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-eighth, eighteen hundred and sixty-six.

Also, passed Assembly Bill No. 582—An Act relative to Swamp Land District Number One Hundred and Eighteen, in Contra Costa County.

Also, passed Assembly Bill No. 651—An Act ratifying and confirming the action of the Common Council of the City of Oakland, for the relief of J. N. Bailey.

Also, passed Assembly Bill No. 439—An Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento.

Also, Assembly Bill No. 619—An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty-seven, and the Act amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty, approved March fourteenth, eighteen hundred and seventy, and the Act amendatory thereof, approved April first, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 695—An Act to provide additional Notaries Public in the County of Inyo.

Also, passed Assembly Bill No. 604—An Act regulating the fees of witnesses in criminal cases in Stanislaus and Merced Counties.

Also, this day, passed Assembly Bill No. 205—An Act to amend the Political Code, and ordered the same transmitted without engrossment.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 19th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the seventeenth instant, passed Assembly Bill No. 621—An Act supplemental to an Act entitled an Act concerning assessments upon stock corporations, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, passed Assembly Bill No. 649—An Act to authorize Daniel Gobie to remove the remains of deceased persons in the Town of Ukiah City, Mendocino County.

Also, on the eighteenth instant, passed Senate Bill No. 431—An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Tulare.

Also, refused to pass Senate Bill No. 345—An Act to amend section twelve hundred and thirty of the Penal Code.

Also, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Substitute for Assembly Bill No. 653—An Act supplemental to an Act to regulate the fees of office, and to fix the compensation of the officers in the County of Sacramento, approved February twenty-eighth, eighteen hundred and seventy-four.

Also, on this day, refused to concur in Senate amendment to Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code.

Also, on this day, refused to recede from Assembly amendment to Senate Bill No. 27—An Act to amend section three hundred and ninety-

six of the Code of Civil Procedure—and the House appointed Messrs. Cowdery, Williams, and Rogers as a Committee of Conference thereon, and respectfully request the appointment of a like committee by the Senate.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 601, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 582, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 205, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 649, above reported, read first and second times, and ordered on file.

Assembly Bill No. 653, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 623, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 651, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 439, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 619, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 604, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 193, above reported, the Senate adhered to its amendments.

On motion of Mr. Pendegast, the rules were suspended to authorize the Chair to appoint a Committee of Conference.

Messrs. O'Connor, Farley, and Oulton, were appointed as such committee.

Assembly Bill No. 523, above reported, read first and second times, and referred to the Committee on Education.

Assembly Bill No. 659, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 573, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly Bill No. 605, above reported, read first and second times, rules suspended, and, by unanimous consent, read third time, and passed.

Senate Bill No. 27, above reported, on motion of Mr. Pendegast the rules were suspended and the Chair authorized to appoint a Committee of Conference. Messrs. Pendegast, Laine, and O'Connor were appointed as such committee.

Mr. Goodale, by leave, verbally reported Senate Bill No. 479—An Act to amend an Act entitled an Act to declare navigable Arroyo de San Antonio, or Keys Creek, Marin County, approved March twenty-eighth, eighteen hundred and seventy—with an amendment.

Amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Mr. McKusick, by leave, introduced a bill, as follows:

An Act to prevent fraudulent contests for lands in the name of the State.

Read first and second times, and referred to the Judiciary Committee.

At five o'clock and twenty-five minutes P. M., on motion of Mr. Lindsey, the Senate adjourned.

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## IN SENATE.

SENATE CHAMBER,  
Friday, March 20th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITION.

Mr. Laine presented a petition from citizens of Santa Clara County, favoring the law prohibiting the sale of spirituous liquors within one mile of our State Institutes, and requesting that such prohibition may apply to the State Normal School at San José.

Received, and referred to the Committee on Education.

## REPORTS.

Reports were submitted, as follows:

By Mr. Duffy:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Senate Bill No. 464—An Act to authorize the Board of Supervisors of Solano County to levy a road tax—have had the same under consideration, and now report the bill back, and recommend its passage.

DUFFY, for Committee.

Rules suspended, and the bill above reported taken up, considered engrossed, read third time, and passed.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 471—An Act relating to officers and fees of office in San Diego and San Bernardino Counties.

Also, Senate Bill No. 435—An Act to provide for the payment of certain Controller's warrants.

Also, Senate Bill No. 478—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals in the County of Colusa, approved March twenty-eighth, eighteen hundred and seventy-two.

Also, Senate Bill No. 466—An Act to amend the special school law of the City of Los Angeles.

Also, Senate Bill No. 87—An Act to provide for the erection and maintenance of a Branch State Prison near the Town of Folsom.

Also, Senate Bill No. 141—An Act to establish a State Reformatory.

TUTTLE, for Committee.

By Mr. Irwin:

MR. PRESIDENT: The Committee on Finance have examined Assembly Bill No. 501—entitled an Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years ending June thirtieth, eighteen hundred and seventy-four—and recommend the passage of the Act.

Also, Assembly Bill No. 480—entitled an Act to provide for the completion of the Napa State Asylum for the Insane, and for other purposes—and recommend its passage.

IRWIN, Chairman.

Mr. Tuttle verbally reported Assembly Bill No. 516—An Act to amend the City Charter of the City of Healdsburg, Sonoma County—with an amendment, recommending the adoption of the amendment, and the passage of the bill as amended.

Rules suspended, bill taken up, amendment adopted, read third time, and passed.

By Mr. Garratt:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 520—An Act for the establishment of cosmopolitan schools in the City and County of San Francisco—have had the same under consideration, report the same back, and recommend its passage.

Also, Assembly Bill No. 524—An Act for the relief of T. P. Riordan—report the same back, and recommend its passage.

Also, Assembly Bill No. 584—An Act concerning the office of District Attorney of the City and County of San Francisco—report the same back, and recommend that it do not pass.

GARRATT, Chairman.

Mr. Duffy, for the Sacramento delegation, verbally reported Assembly Bill No. 439—An Act to allow certain persons therein named, and their associates and assigns, to take possession of and to improve a certain road in the County of Sacramento—recommending its passage.

Rules suspended, and the bill taken up, read third time, and passed.

By Mr. Farley:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 498—An Act to incorporate the Town of Woodland—have had the same under consideration, and report the bill back and recommend its passage.

FARLEY, Chairman.

Rules suspended, and the bill taken up, read third time, and passed.  
By Mr. Beck:

MR. PRESIDENT: The Monterey delegation, to whom was referred As-



sembly Bill No. 182—An Act to reincorporate the City of Monterey—have had the same under consideration, and respectfully report the bill back, and recommend its passage.

BECK, for Delegation.

Rules suspended, and the bill taken up, read third time, and passed.  
By Mr. Lindsey:

Mr. PRESIDENT: Your committee to whom was referred Senate Bill No. 426—An Act relating to the funds of Swamp Land District Number Eighteen—have had the same under consideration, and now report the bill back, and recommend its passage.

LINDSEY,

For majority of Committee.

By Mr. Lindsey:

Mr. PRESIDENT: The Fresno delegation, to whom was referred Assembly Bill No. 538—An Act to authorize the issue of bonds by the County of Kern to erect county buildings—have had the same under consideration, and now report the bill back, and recommend its passage.

LINDSEY, for Delegation.

By Mr. Perkins:

Mr. PRESIDENT: The Committee on Claims have had under consideration Assembly Bill No. 442—An Act to pay certain claims for services rendered as witnesses, summoned on behalf of the State;

Also, Assembly Bill No. 436—An Act to pay J. E. Foulds for services rendered to the Assembly Committee on Corporations of the nineteenth session of the Legislature—and respectfully report the bills back, and recommend their passage.

PERKINS, Chairman.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 19th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 433—An Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco.

Also, Senate Bill No. 289—An Act to amend section two thousand two hundred and forty of the Political Code.

Also, Senate Bill No. 427—An Act to authorize the transcribing of certain records in the County of Sacramento.

Also, Senate Bill No. 469—An Act to extend the time for selling property for the delinquent taxes of eighteen hundred and seventy-three-seventy-four.

Also, Senate Bill No. 265—An Act concerning roads and highways in the County of Santa Clara.

Also, Senate Bill No. 364—An Act to provide for the election of Dis-

trict Assessor and a District Collector of Ukiah School District, in the County of Mendocino.

Also, Senate Bill No. 418—An Act in relation to the revenue of the County of Amador.

Also, Senate Bill No. 356—An Act to grant the right to construct a wagon road in San Diego County.

Also, Senate Bill No. 419—An Act to repeal certain Acts in relation to roads in Amador County; also, an Act relative to the treatment and cure of the indigent sick in said county.

Also, Senate Bill No. 420—An Act in relation to the Board of Supervisors of Amador County.

Also, Senate Bill No. 354—An Act to fix the compensation of the Assessor of San Diego County, and for other purposes.

Also, Senate Bill No. 234—An Act providing for the repayment of moneys erroneously paid into the State Treasury by the Treasurer of Sonoma County.

Also, Senate Bill No. 111—An Act to amend section two thousand and seventy-six of the Code of Civil Procedure.

Also, Senate Bill No. 224—An Act to amend section six hundred and thirty-two of the Penal Code.

Also, Senate Bill No. 181—An Act for the relief of Adolphe E. Servatius.

Also, Senate Bill No. 366—An Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara.

Also, Senate Bill No. 309—An Act to permit the voters of every township or incorporated city in this State to vote on the question of granting licenses to sell intoxicating liquors.

Also, Senate Bill No. 245—An Act for the relief of Geo. W. Branch.

Also, Senate Bill No. 327—An Act regulating township offices in Tuolumne County.

Also, Senate Bill No. 280—An Act to amend section five hundred and seventy-four of the Civil Code.

Also, Senate Bill No. 236—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, to add a new section thereto, to be known as section four thousand and forty-seven.

Also, Senate Bill No. 410—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of county officers in the County of Stanislaus, approved March fourth, eighteen hundred and seventy-four.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 20th, 1874. }

*To the Senate of the State of California:*

I respectfully return to your honorable body Senate Bill No. 44—An Act to add two sections to the Political Code of California, without approval.

The bill has two objects: it provides for the election by a Joint Convention of the Senate and Assembly of State Harbor Commissioners to succeed those now in office, and to serve for two years; and provides

for the election of such officers for full terms at the general election of eighteen hundred and seventy-five, and every four years thereafter.

To the last provision no objection is urged. The power to fill all offices resides in the people, and when it is not directly exercised by them it is because they have constitutionally delegated it to some agent who is responsible to them; and they have at any time a right to resume it by law.

I respectfully submit that the provisions of the bill which require the immediate successors of the present Harbor Commissioners to be chosen by the Legislature present a principle which is opposed to sound policy, to accepted maxims of good government, and to the spirit and letter of the Constitution of the State. The general principle involved as a rule of political conduct is of far more importance than any particular cases which may arise under it, and suggests for consideration the theory of the division of the powers of government between three distinct departments, which is one of the highest results of political science. That the power which creates an office, or a vacancy, should be distinct from that which fills it, would seem to be evident from the statement of the proposition.

I need not enlarge upon the temptation of creating offices for the purpose of filling them, or of making removals to supply applicants with place, nor of the persistence and importunity with which these things are sought upon grounds of personal, and not public interest, to a degree that tends to distract the minds of legislators, or swerve them by friendship from the grave and responsible duties of making *laws for a people*. All experience has demonstrated the wisdom of removing, so far as possible, all personal considerations and bias from the makers of the law. Under the system of legislative appointments they are not removed but invited, new complications are introduced into legislative action; the opportunities for new combinations are afforded, and there is a retrogression towards that confusion of the functions of civil government through which human experience so long struggled in the progress from the severe complicity of an absolute despotism where all powers are concentrated, to the harmonious order of free institutions where they are divided among three departments, which are checks upon each other.

The necessity for such a distribution demonstrated itself. Montesquieu first formulated it in the following words: "There can be no liberty where the legislative and executive powers are united in the same person or body of magistrates," or, "again, if the power of judging be not separated from the legislative and executive powers." His statement has become one of the axioms of government, received by all the great writers upon that science, and the extent to which it is recognized and adopted by the institutions of any country is a correct measure of the nation's advance in civil liberty.

Jefferson, in seventeen hundred and eighty-one, commenting upon a defect of the (then) Constitution of Virginia, said: "All the powers of government, legislative, executive, and judiciary, result to the legislative body. The concentrating these in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands, and not by a single one. An *elective despotism* was not the government we fought for, but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits without being effectually checked and restrained by the others.



For this reason, that Convention which passed the ordinance of government laid its foundation on this basis, that the legislative, executive, and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time."

Thirty-five years afterwards, in eighteen hundred and sixteen, when his profound studies upon the philosophy of government had been tested and corrected by a lifetime experience, he said, in referring to a similar error: "Nomination to office is an executive function; to give it to the Legislature, as we do, is a violation of the principle of the separation of powers; it swerves members from correctness by temptation to intrigue for office for themselves, and to a corrupt barter for votes, and destroys responsibility by dividing it among a multitude. By leaving nomination in its proper place among executive functions, the principle of the distribution of powers is preserved, and responsibility weighs with its heaviest force upon a single head."

If, then, there were no constitutional prohibition, it would seem that the principles which underlie the very structure of our Government, as attested by the highest authority, and tried by the largest experience, would forbid the exercise of this executive function by the legislative body. I believe, however, that the principle enunciated is not only in harmony with the spirit, but is laid down by the letter of our Constitution. I am aware that the validity of legislative appointments to executive offices has been sustained by the Supreme Court. The only case I have been able to find, where this doctrine has been distinctly defined, is that of *People vs. Langford*, 8 Cal. With the highest respect for the eminent ability of Judge Murray, who is the author of the opinion, I believe that any one who will candidly compare his reasoning with the exhaustive analysis contained in the report of the majority of the committee of the Assembly upon the bill under consideration, will be compelled to the conclusion that the latter expresses the true rule of constitutional interpretation. A Constitution, which is the very framework of government, should not be construed by any narrow rules of verbal criticism so much as by the larger sense of its general meaning and animating spirit; and any departure from its leading principles should be corrected by either of the departments concerned in its administration, when the first occasion is presented, be it small or great. Especially in legislative action there is no overruling doctrine of *stare decisis*, and no prescriptive usage will justify the repetition of one error. The decision of the Supreme Court is the law of the case decided, and a precedent for the Court as it became a rule of action regulating transactions under which vested rights are acquired. A decision that a law is unconstitutional furnishes a substantial reason against the enactment of a similar law, as in the absence of any power to enforce it, it would be futile. But a decision that a law is constitutional does not bind the conscience of either of the coördinate branches of the Government further than its reasoning enlightens the understanding and convinces the judgment. Jackson, in his great State paper, the veto of the United States Bank bill, said:

"Mere precedent is a dangerous source of authority, and should not be regarded as deciding questions of constitutional power. If the opinion of the Supreme Court covered the whole ground of this Act, it



ought not to control the coördinate authorities of this Government. The Congress, the Executive, and the Court, must, each for itself, be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President, to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval, as it is of the Supreme Judges when it may be brought before them for judicial decision."

It is held, that with reference to the powers of the Legislature, the Constitution is to be construed, not as a grant, but a limitation; that the Legislature may exercise all powers not prohibited. The rule is undoubtedly correct as applied to legislative powers, or to such as are essential to legislative action.

Thus the Legislature can enact laws, subject only to constitutional limitation; may examine the character and determine the amount of claims against the State, which can be paid only by legislative appropriation; each House is the judge of the qualifications of its own members, and each can elect its own officers. These powers would be inherent; but, with the exception of that of examining claims against the State—which is judicial in character, but not technically—they are expressly conferred. The reverse of the rule, however, applies in regard to the exercise of powers by the Legislature, which are not necessarily in aid of legislation, but purely executive or judicial.

Article III of the Constitution reads:

Section 1. The powers of the Government of the State of California shall be divided into three separate departments—the legislative, the executive, and judicial, and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

That the power to appoint to office, when not directly exercised by a popular election, is executive, not legislative or judicial, will not be seriously questioned. It is executive from its nature, and is so treated by all elementary writers. I have quoted Jefferson; Hamilton says: "The appointment to offices, particularly executive offices, is, in its nature, an executive function," and adds, in commenting upon an incongruity in the Massachusetts Constitution, wherein the power to make certain appointments was expressly given to the Legislature, the compilers of the Constitution have, in this point, at least, violated the rules established by themselves."

In what cases does the Constitution direct or permit the Legislature to exercise the executive prerogative of appointment to office? The first Legislature was directed to elect certain State officers and the Judges of the Supreme and District Courts, to hold until the next general election; and, in case of a tie vote at a popular election, the Legislature is required to select the Governor and Lieutenant Governor. In no other cases has it been "directed or permitted."

It has been argued that section eight, Article V, of the Constitution, recognizes the existence of this power in the Legislature. The section reads: "When any office shall from any cause become vacant, and no

mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people." This language does not convey any power to the Legislature; and no construction by implication can overrule the strong and direct words of prohibition of Article III. Section six, Article XI, of the Constitution, reads: "All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct."

A similar provision in the Constitution of Ohio reads: "The election and appointment of all officers, and the filling of all vacancies not otherwise provided for by this Constitution, or the Constitution of the United States, shall be made in such manner as may be directed by law." In applying this provision the Supreme Court of that State say: "Now, providing by law the manner in which an appointment shall be made, and making the appointment itself, are two different things; the first is pointing out the mode in which a thing shall be done, and the other is doing the thing itself; the one is legislative and directory, the other administrative."

I have referred, I believe, to all the constitutional provisions which bear upon the subject. The importance of the principle involved is my apology for the length of this message. If the Legislature can elect to one executive office where the Constitution does not require an election by the people, it can to all; and the lines of demarcation established by the Constitution between legislative and executive functions would be obliterated in the confusion of powers and responsibilities which would ensue.

NEWTON BOOTH,  
Governor.

On motion of Mr. Farley, the consideration of the Governor's message returning Senate Bill No. 44 without his approval, was made a special order for Monday evening, at seven o'clock and thirty minutes.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
March 20th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Bill No. 107—An Act in relation to homesteads.

Also, passed Senate Bill No. 194—An Act to pay certain claims in favor of Patrick Kearns.

Also, passed Senate Bill No. 212—An Act for the relief of James W. Marshall.

Also, passed Senate Bill No. 233—An Act supplemental to an Act entitled an Act supplementary to an Act concerning public ferries and toll bridges, approved April twenty eighth, eighteen hundred and fifty-five, approved April fourth, eighteen hundred and seventy.

Also, passed Senate Bill No. 256—An Act making an appropriation

for the payment of the unpaid salaries of the Code Commissioners, clerical labor, and other expenses incurred by the State, under the Act approved March twenty-second, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 262—An Act to provide for the payment of attorneys' fees.

Also, passed Senate Bill No. 358—An Act to provide for the purchase of certain portraits.

JOHN WEBBER,  
Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Goodale—An Act to authorize the Board of Supervisors of Contra Costa County to levy a special tax.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Roach—An Act for the relief of W. H. Bell and William Corcoran.

Read first and second times, and referred to the Committee on Claims.

By Mr. Finney—An Act to amend and revise an Act entitled an Act to incorporate the Town of Redwood City, approved March twenty-seventh, A. D. eighteen hundred and sixty-eight, and the several Acts amendatory and supplementary thereof, and for other purposes.

Read first and second times, and ordered on file.

By Mr. Oulton—An Act to add two new sections to the Political Code of California.

Read first and second times, and ordered on file.

By Mr. McCune—An Act to regulate official salaries in the County of Solano.

Read first and second times, and referred to the Committee on State and County Revenue.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. Pendegast, Assembly Bill No. 205 was returned to the Assembly, with a request that it be engrossed.

Pursuant to notice, Mr. Duffy moved to reconsider the vote whereby the Senate refused to order engrossed Senate Bill No. 330—An Act to amend section five hundred and thirty-six of the Political Code.

On which the ayes and noes were demanded by Messrs. Pendegast, Fraser, and Duffy, and the Senate refused to reconsider, by a vote as follows:

AYES—Messrs. Andross, Duffy, Dyer, Eakin, Evans, Farley, Fraser, Gibbons, Graves, Hopkins, Kent, Keys, McCoy, McMurry, Neff, Oulton, and Pendegast—17.

NOES—Messrs. Bartlett, Beck, Bush, Crane, Edgerton, Finney, Garratt, Goodale, Laine, Lindsey, Martin, McCune, McKusick, O'Connor, Perkins, Roach, Spencer, Turner, and Tuttle—19.

#### REPORT.

Mr. Evans submitted a report, as follows:

Mr. PRESIDENT: The Committee of Free Conference on Assembly Bill



No. 420—An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County—after an impartial investigation of the subject matter to them referred, now respectfully report, and ask the Senate to recede from its amendment to section four, striking out the last proviso to said section, and that the amendment of the Senate to section four, line four, striking out the word "fifteen" and inserting the words "twenty-five hundred," be changed to read "two thousand."

EVANS,  
Senate Committee.

MEYERS,  
PAULSELL,  
House Committee.

Report adopted.  
By Mr. Lindsey:

Mr. PRESIDENT: Your committee to whom was referred Senate Bill No. 388—An Act to create a swamp land reclamation district, to be known as Lake District Number One, of Sacramento County—have had the same under consideration, and now report the bill back with a substitute therefor, and respectfully recommend the adoption of the substitute and the passage of the same.

LINDSEY, for Committee.

#### GENERAL FILE.

Assembly Bill No. 32—An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation. Substitute adopted, read third time, and passed.

Senate Bill No. 378—An Act to amend an Act to establish a State Printing Office, and to create the office of Superintendent of Public Printing, approved March twenty-sixth, eighteen hundred and seventy-two.

Read third time, and passed.

Senate Bill No. 390—An Act to abolish attorneys' fees and other charges in savings banks.

Read third time, and passed.

[Mr. Farley in the chair.]

Assembly Concurrent Resolution No. 46—relative to a certain bill pending in Congress concerning home for Mission Indians in California. Indefinitely postponed.

Assembly Bill No. 473—An Act to repeal an Act entitled an Act amendatory of and supplementary to an Act for the preservation of seals, or sea lions, at or near the entrance to the harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six.

Indefinitely postponed.

Assembly Bill No. 252—An Act to enable the City and County of San Francisco to issue revenue bonds.

Indefinitely postponed.

Assembly Bill No. 24—An Act to authorize the Board of Education of the City and County of San Francisco to establish and maintain a labor school in and for said city and county.

Indefinitely postponed.



Assembly Bill No. 570—An Act to reincorporate the Town of Yuba City.

Read third time, and passed.

Assembly Bill No. 603—An Act to provide for the payment of certain outstanding road warrants of Yolo County, and to provide for levying taxes for county purposes in said county.

Read third time, and passed.

Assembly Concurrent Resolution No. 44—relative to the establishment of a mail route from Reno, in the State of Nevada, to Quincy, in the County of Plumas, State of California.

Read third time, and adopted.

Assembly Bill No. 536—An Act to legalize, ratify, and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, and the contracts made thereunder.

Read third time, and passed.

Assembly Bill No. 596—An Act authorizing the Board of Education of the City and County of San Francisco to exchange a lot of land in said city and county.

Read third time, and passed.

Senate Bill No. 467—An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 552—An Act relative to the powers of the Boards of Supervisors of the Counties of Yolo and Solano.

Amended, read third time, and passed.

Assembly Bill No. 594—An Act to legalize the grades of certain streets in the City and County of San Francisco.

Amended, read third time, and passed.

Assembly Bill No. 586.

Recommitted to the San Francisco delegation.

Assembly Bill No. 359—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

Amendments adopted, read third time, and on the passage of the bill the ayes and noes were demanded by Messrs. Duffy, Roach, and O'Connor, and it passed, by a vote as follows:

**AYES**—Messrs. Boggs, Crane, Duffy, Dyer, Garratt, Kent, Keys, Martin, McCoy, Oulton, Pendegast, Roach, and Spencer—13.

**NOES**—Messrs. Bartlett, Bush, Evans, Farley, Fraser, Goodale, Laine, Lindsey, and O'Connor—9.

Senate Bill No. 307—An Act to amend the Political Code, in reference to the boundaries of Alameda County.

At one o'clock P. M., on motion of Mr. Oulton, the hour of recess was postponed.

Bill recommitted to the Committee on Counties and County Boundaries.

On motion of Mr. Beck, the rules were suspended to take up Senate Bill No. 624—An Act amendatory of and supplemental to an Act entitled an Act to provide means for the government of the County of Santa Cruz, and for the payment of the debt of said county, approved January thirty-first, eighteen hundred and seventy.

Read third time, and passed.

At one o'clock and seventeen minutes P. M., on motion of Mr. Neff, the Senate took a recess until two o'clock P. M.

#### REASSEMBLED.

At two o'clock P. M., the Senate reassembled.

President in the chair.

Roli called, and a quorum present.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Perkins—An Act to authorize Chico School District to issue bonds for building purposes.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Laine—An Act in relation to the county officers of Santa Clara County, their fees and salaries.

Read first and second times, rules suspended, considered engrossed, read third time, and passed; rules further suspended, and the bill ordered to the Assembly without engrossment.

By Mr. Gibbons—An Act to authorize the City of Oakland to obtain a supply of water.

Read first and second times, and referred to the Judiciary Committee.

#### REPORTS.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 365—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals in the County of Monterey;

Also, Senate Bill No. 353—An Act to amend section four thousand and one of the Political Code.

Also, Senate Bill No. 421—An Act to dispense with copies of the Great Register in certain elections in Napa County;

Also, Senate Bill No. 348—An Act to amend an Act entitled an Act to incorporate the Town of Colusa, approved April fourth, eighteen hundred and seventy;

Also, Senate Bill No. 335—An Act to fix the compensation of the School Superintendent of the County of Stanislaus;

Also, Senate Bill No. 359—An Act to add another section to the Penal Code;

Also, Senate Bill No. 428—An Act to regulate the fees of certain officers in the County of Mendocino;

Also, Senate Bill No. 312—An Act concerning the offices of Public Administrator, Coroner, and Superintendent of Public Schools in the County of Stanislaus;

Also, Senate Bill No. 225—An Act to amend the Code of Civil Procedure of the State of California;

Also, Senate Bill No. 370—An Act to authorize the Board of Super-

visors of Los Angeles County to purchase a farm in the City of Los Angeles, to build and establish a County Almshouse and Hospital thereon, and to issue bonds for the payment of the same;

And have presented the same to the Governor, for his approval, this day, at one o'clock P. M.

McMURRY, Chairman.

Mr. Edgerton, for the Sacramento delegation, verbally reported Assembly Bill No. 653—An Act supplemental to and amendatory of an Act to regulate the fees of office and fix the compensation of the officers in the County of Sacramento, approved February twenty eighth, eighteen hundred and seventy-four;

Also, Assembly Bill No. 540—An Act to legalize the collection of assessments in the City of Sacramento—recommending their passage.

Mr. Pendegast moved to suspend the rules to take up Assembly Bill No. 480—An Act to provide for the completion of the Napa State Asylum for the Insane, and for other purposes.

So ordered.

Read third time, and passed.

#### SPECIAL ORDER.

Substitute for Assembly Bill No. 172—An Act to provide a system of irrigation.

Mr. Edgerton presented several petitions, numerously signed by practical farmers of California, in favor of the provisions of the bill.

Bill amended. amendments adopted, referred to the Judiciary Committee, and ordered printed.

#### REPORTS.

Mr. Tuttle submitted a report, as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bill:

Senate Bill No. 479—An Act to amend an Act entitled an Act to declare navigable Arroyo de San Antonio, or Keys Creek, in Marin County, approved March twenty-eighth, eighteen hundred and sixty.

TUTTLE, for Committee.

By Mr. Finney:

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Assembly Bill No. 573, respectfully report the same to the Senate, with amendments, and recommend its passage as amended.

FINNEY, Chairman.

Rules suspended, bill placed on its passage, amended, read third time, and passed.

#### INTRODUCTION OF BILLS.

Mr. McMurry introduced a bill as follows:

An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Shasta.

Read first and second times, and referred to the Committee on State and County Revenue.

GENERAL FILE RESUMED.

Senate Bill No. 393—An Act for the better protection of stockholders in corporations, formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining.

Substitute adopted, and ordered engrossed.

Assembly Bill No. 649—An Act authorizing Daniel Gobbie to remove the remains of deceased persons in the Town of Ukiah City, Mendocino County.

Read third time, and passed.

REPORT.

Mr. Laine submitted a report, as follows:

MR. PRESIDENT: The Committee on Public Printing, to whom was referred Senate Bill No. 374—An Act relative to publishing the statutes of eighteen hundred and seventy-three—four—have had the same under consideration, and report the same back, with a substitute therefor, and recommend the adoption and passage of the substitute.

LAINE, for Committee.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 20th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eighteenth instant, passed Assembly Bill No. 430—An Act to amend section three thousand six hundred and seventeen of the Political Code.

Also, on same day, passed Assembly Bill No. 616—An Act granting further powers to the Board of State Harbor Commissioners.

Also, passed Assembly Bill No. 620—An Act in relation to suits against the County of Marin for damages on account of laying out public streets.

Also, passed Assembly Bill No. 627—An Act to make the bridge across the stone road crossing, in Sutter County, a free bridge, and for said county to own and control the same.

Also, passed Assembly Bill No. 639—An Act to change the name of the Town of Mokelumne.

Also, passed Assembly Bill No. 652—An Act to fix the compensation of the Deputy Sheriff of Alameda County.

Also, passed Assembly Bill No. 665—An Act to amend an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin.

Also, passed Assembly Bill No. 666—An Act concerning the county records of the County of Marin.



Also, passed Assembly Bill No. 681—An Act to authorize the Board of Supervisors of Trinity County to fix and pay the compensation of Under Sheriff in said county.

Also, on the nineteenth day of March, passed Assembly Bill No. 390—An Act to repeal Article XI, of Chapter I, Title VI of the Political Code.

Also, on same day, passed Assembly Bill No. 403—An Act in relation to the Political Code.

Also, passed Assembly Bill No. 502—An Act to add two additional sections to the Penal Code.

Also, passed Assembly Bill No. 609—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts.

Also, passed Assembly Bill No. 684—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Sacramento, approved April second, eighteen hundred and seventy, and all Acts amendatory thereof and supplemental thereto.

Also, that the Assembly concurred in Senate amendment to Assembly Bill No. 349—An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims.

Also, concurred in Senate amendments to Assembly Bill No. 326—An Act to repeal an Act entitled an Act to provide for the opening and improving of Santa Clara and Saratoga Avenue, in the County of Santa Clara, approved March sixteenth, eighteen hundred and seventy-two.

Also, concurred in Senate amendment to Assembly Bill No. 510—An Act supplementary to an Act entitled an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor, approved April first, eighteen hundred and seventy-two.

Also, concurred in Senate amendment to Assembly Bill No. 608—An Act supplemental to an Act entitled an Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization, approved February seventeenth, eighteen hundred and seventy-four.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 639, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 620, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 627, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 652, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 665, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 666, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 681, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 684, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 430, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 609, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 403, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 390, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 502, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 616, above reported, read first and second times, and referred to the San Francisco delegation.

#### PETITION.

Mr. Laine presented a petition from builders, mechanics, laborers, material men, and property holders of Santa Clara County, favoring the passage of Assembly Bill No. 194—An Act securing the liens of mechanics and others.

Received, and referred to the Judiciary Committee.

At three o'clock and forty-five minutes P. M., on motion of Mr. Neff, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Saturday, March 21st, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

[Mr. Evans in the chair.]

#### LEAVE OF ABSENCE.

Mr. Boggs was granted leave of absence for two days.

#### REPORTS.

Reports were submitted, as follows:

By Mr. Bush:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 456—An Act to legalize certain conveyances, leases, and other instruments in writing, affecting certain real estate in Colusa County.

Also, Senate Bill No. 485—An Act to amend an Act entitled an Act to authorize the construction of a swing or drawbridge across the San Antonio Creek, within the County of Alameda, approved March fourth, eighteen hundred and seventy.

Also, Senate Bill No. 512—An Act to reimburse the several counties of this State for moneys paid for copies of the Codes, and to provide for a more complete distribution thereof.

Also, Senate Bill No. 334—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Also, Senate Bill No. 453—An Act to amend section three thousand two hundred and ninety-two of the Political Code.

Also, Senate Bill No. 450—An Act to amend the Penal Code concerning the examination of persons accused of crime before committing magistrates.

Also, Senate Bill No. 448—An Act to amend section six hundred and sixty of the Civil Code.

BUSH, for Committee.

By Mr. Pendegast:

MR. PRESIDENT: The Committee on the Judiciary have had under consideration Assembly Bill No. 621—An Act supplemental to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six—and report the same back, and recommend its passage.

Also, Senate Bill No. 486—An Act to confer additional power on municipal authorities in incorporated cities and towns in this State—and report the same back, and recommend its passage.

Also, Senate Bill No. 183—An Act to remove from Henry Meiggs certain legal disabilities—and report the same back with the substitute originally adopted by the committee, and respectfully recommend the adoption and passage of the substitute.

Also, Senate Bill No. 472—An Act in relation to taxation of solvent debts, other than those secured by mortgage or other lien—and report the same back, and recommend its passage.

Also, Senate Bill No. 302—An Act to amend the Political Code, and Senate Bill No. 372—An Act to provide for the assessment of railroad property within the State of California—and report the same back with a substitute for both bills, and respectfully recommend the adoption and passage of the substitute.

Also, Assembly Bill No. 424—An Act to amend sections six hundred and sixty and six hundred and sixty-one of the Political Code—and report the same back with an amendment, and respectfully recommend the adoption of the amendment and the passage of the bill as amended.

Also, Assembly Bill No. 390—An Act to repeal Article XI of Chapter I, Title VI, of the Political Code—and report the same back, and recommend its passage.

Also, Assembly Bill No. 283—An Act to amend section two hundred and seventy of, and to add sections two hundred and seventy-two, two hundred and seventy-three, and two hundred and seventy-four to, the Code of Civil Procedure—and report the same back with a substitute, and respectfully recommend the adoption and passage of the substitute.

Also, Senate Bill No. 238—An Act to amend section fourteen hundred and ninety-three of the Code of Civil Procedure—and report the same back, with a recommendation from a majority of the committee that it pass.

Also, Senate Bill No. 481—An Act to amend section one hundred and sixty-seven of the Civil Code—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.



Also, Assembly Bill No. 45—An Act supplemental to and amendatory of an Act supplemental to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy—and report the same back with the substitute heretofore suggested. The committee find no reason to change their opinion already expressed, and, therefore, recommend the adoption and passage of the substitute.

Also, Assembly Bill No. 63—An Act to appropriate money for the expenses of the Tide Land Commission—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Assembly Bill No. 403—An Act in relation to the Political Code—and report the same back, and recommend its passage.

Also, Assembly Bill No. 335—An Act to amend the Civil Code, relating to the liability of landlords—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 42—An Act to prevent and punish official misconduct—and report the same back, and recommend its indefinite postponement.

Also, Assembly Bill No. 582—An Act relative to Swamp Land District Number One Hundred and Eighteen, in Contra Costa County—and report the same back without recommendation.

Also, Assembly Bill No. 462—An Act to amend the Penal Code—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 332—An Act to create a permanent Commission on law codification—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 609—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 502—An Act to add two additional sections to the Penal Code—and report the same back, and recommend that it do not pass, for the reason that the subject matter of the bill has been already incorporated in the general amendments to the Penal Code.

Also, Senate Bill No. 389—An Act to prevent the adulteration of food, drinks, and drugs—and report the same back, and recommend that it do not pass.

The committee report, and beg leave to recommend, the passage of an Act to amend section six hundred and fifty-six of the Political Code.

PENDEGAST, Chairman.

On motion of Mr. Perkins, the rules were suspended to take up Senate Bill No. 472, above reported.

So ordered.

Mr. Perkins moved to suspend the rules, to consider the bill engrossed, and place it upon its final passage, on which the ayes and noes were demanded by Messrs. Garratt, Perkins, and Turner, and the motion prevailed, by a vote as follows:

AYES—Messrs. Bartlett, Beck, Crane, Duffy, Dyer, Eakin, Evans, Farley, Finney, Fraser, Garratt, Goodale, Graves, Hendricks, Hopkins, Kent,



Keys, Lindsey, Martin, McCoy, McKusick, Neff, Pendegast, Perkins, Roach, Spencer, and Turner—27.

Noes—Messrs. Bush, DeHaven, Edgerton, Gibbons, Irwin, Laine, McMurry, O'Connor, and Tuttle—9.

Bill read third time, and passed.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 463—An Act to fix the compensation of the District Attorney and Assessor of Solano County.

Also, Senate Bill No. 316—An Act to amend certain sections and to repeal certain sections of the Political Code, relating to the government of the State Normal School.

Also, Senate Bill No. 422—An Act to organize the Board of Supervisors, and to define their duties, in the County of El Dorado.

Also, Senate Bill No. 328—An Act in relation to the formation of a new swamp land district.

TUTTLE, for Committee.

By Mr. Neff:

MR. PRESIDENT: The Committee on State Prison, to whom was referred Senate Bill No. 462, have had the same under consideration, and now report the same back without recommendation.

NEFF, Chairman.

By Mr. Duffy:

MR. PRESIDENT: Your committee to whom was referred Assembly Bill No. 199—An Act in relation to the swamp and overflowed lands of this State—have had the same under consideration, and now report the bill back, and recommend that it do not pass.

DUFFY,

For a majority of Committee.

By Mr. Perkins:

MR. PRESIDENT: The Committee on Claims have had under consideration Assembly Bill No. 437—An Act to appropriate money to pay for services rendered the State by William Hale—and respectfully report the bill back, and recommend its passage.

PERKINS, Chairman.

By Mr. Turner:

MR. PRESIDENT: Your Committee on Counties and County Boundaries, to whom was recommitted Senate Bill No. 307—An Act to amend the Political Code in reference to the boundaries of Alameda County—have had the same under consideration, and now report it back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

TURNER, for Committee.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on State and County Revenue have had under consideration Senate Bill No. 483—An Act to regulate fees of office and salaries of certain officers in the County of Colusa, and to

repeal all Acts now in force in relation thereto—and report the bill back, and recommend its passage.

Also, Senate Bill No. 497—An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Shasta—and report the same back, and recommend its passage.

Also, Senate Bill No. 493—An Act to regulate official salaries in the County of Solano—and report the same back, and recommend its passage.

O'CONNOR, Chairman.

On motion of Mr. O'Connor, the rules were suspended, and the bills above reported taken up and placed on their passage.

Senate Bill No. 483.

Rules suspended, bill considered engrossed, read third time, and passed.

Senate Bill No. 493.

Rules suspended, bill considered engrossed, read third time, and passed.

Senate Bill No. 497.

Rules suspended, bill considered engrossed, read third time, and passed.

By Mr. McMurry:

MR. PRESIDENT: The delegation to whom was referred Assembly Bill No. 681—An Act to authorize the Board of Supervisors of Trinity County to fix and pay the compensation of Under Sheriff in said county—have had the same under consideration, and herewith report the same back, and recommend that it pass.

McMURRY, for Delegation.

Rules suspended, bill taken up, read third time, and passed.

Mr. Keys, for the delegation, verbally reported Assembly Bill No. 604—An Act regulating fees of witnesses in criminal cases in Stanislaus and Merced Counties—recommending its passage.

By Mr. Pendegast:

MR. PRESIDENT: The Lake and Mendocino delegation report back Substitute for Assembly Bill No. 509, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 623, and recommend its passage.

Also, Assembly Bill No. 42, and recommend that it be indefinitely postponed.

PENDEGAST, for Delegation.

Rules suspended, and the bills above reported taken up.

Assembly Bill No. 42.

Indefinitely postponed.

Assembly Bill No. 509.

Amendments adopted, read third time, and passed.

Assembly Bill No. 623.

Read third time, and passed.

By Mr. Laine:

MR. PRESIDENT: The Santa Clara delegation, to whom was referred Assembly Bill No. 591—An Act authorizing the County Auditor of Santa

Clara County to provide himself with a seal—having had the same under consideration, report the same back with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

LAINE, for Delegation.

Rules suspended, bill taken up, amendment adopted, read third time, and passed.

On motion of Mr. Duffy, the rules were suspended to take up Senate Bill No. 183, reported by the Judiciary Committee to-day.

Substitute adopted, rules further suspended, considered engrossed, read third time. On the passage of the bill, the ayes and noes were demanded by the requisite number, and it passed, by a vote as follows:

AYES—Messrs. Bartlett, Duffy, Dyer, Eakin, Evans, Finney, Fraser, Garratt, Gibbons, Goodale, Hendricks, Hopkins, Kent, Keys, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—28.

NOES—Messrs. Bush, DeHaven, Edgerton, Farley, Graves, and Laine—6.

Rules suspended, and the bill ordered to the Assembly without engrossment.

Mr. Pendegast moved to suspend the rules to take up Assembly Bill No. 681, reported to-day by the Judiciary Committee. So ordered.

Read third time, and passed.

By Mr. Irwin:

MR. PRESIDENT: The Committee on Finance, to whom was referred Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years—now report back the same with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

IRWIN, Chairman.

The bill was made Special Order No. 2, for Monday evening, the twenty-third instant.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 262—An Act to provide for the payment of attorneys' fees;

Also, Senate Bill No. 256—An Act making an appropriation for the payment of the unpaid salaries of the Code Commissioners, clerical labor, and other expenses incurred by the State under the Act approved March twenty-second, eighteen hundred and seventy-two;

Also, Senate Bill No. 194—An Act to pay certain claims in favor of Patrick Kearns;

Also, Senate Bill No. 212—An Act for the relief of James W. Marshall;

Also, Senate Bill No. 233—An Act supplemental to an Act entitled an Act supplementary to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five, approved April fourth, eighteen hundred and seventy;

Also, Senate Bill No. 358—An Act to provide for the purchase of certain portraits;

Also, Senate Bill No. 107—An Act in relation to homesteads;

Also, Senate Bill No. 430—An Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six;

Also, Senate Bill No. 74—An Act to define the boundary line between the Counties of Tulare and Fresno;

Also, Senate Bill No. 314—An Act to amend certain sections and repeal certain sections of the Political Code;

Also, Senate Bill No. 431—An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Tulare;

And have presented the same to the Governor, for his approval, this day, at eleven o'clock and twenty minutes A. M.

McMURRY, Chairman.

By Mr. Gibbons:

Mr. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 651—An Act ratifying and confirming the action of the City Council of Oakland for the relief of J. N. Bailey; and, also, Assembly Bill No. 652—An Act to fix the compensation of the Deputy Sheriff of Alameda County—beg leave to report the same back, and recommend their passage.

GIBBONS, for Delegation.

On motion of Mr. Gibbons, the rules were suspended, the bills above reported taken up, read third time, and passed.

By Mr. Spencer:

Mr. PRESIDENT: The Sutter delegation, to whom was referred Assembly Bill No. 627—An Act to make the bridge across the stone road crossing, in Sutter County, a free bridge, and for said county to own and control the same—have had said bill under consideration, and beg leave to report the same back, and recommend its passage.

SPENCER, for Delegation.

[President in the chair.]

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 20th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 377—An Act to enforce the collection of poll taxes in the County of Calaveras.

Also, Senate Bill No. 157—An Act to repeal an Act entitled an Act



concerning service of summons upon absent defendants by publication, approved March fifteenth, eighteen hundred and seventy-two.

Also, Senate Bill No. 276—An Act to provide for the construction of a railroad from Colfax, in the County of Placer, to Nevada City, in the County of Nevada, and to regulate freights and fares thereon.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 21st, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 365—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals, in the County of Monterey.

Also, Senate Bill No. 421—An Act to dispense with copies of the Great Register in certain elections in Napa County.

NEWTON BOOTH,  
Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
March 21st, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, adopted Senate Joint Resolution No. 31—relative to the appointment of a Commission to ascertain and report the amount of property destroyed by Captain Jack's band of Modocs, and to whom it belonged.

Also, refused to adopt Senate Concurrent Resolution No. 59—relative to a Joint Committee on Indian war indebtedness of eighteen hundred and fifty-one and eighteen hundred and fifty-two.

Also, passed Senate Bill No. 98—An Act to provide for the payment of certain bonds in the County of Lake.

Also, amended and passed Senate Bill No. 99—An Act to appropriate money to complete the State Normal School building, and for the improving of the grounds.

Also, refused to recede from amendment to Senate Bill No. 237—An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma, approved March twenty-third, eighteen hundred and seventy-two—and appointed Messrs. Northcutt, Miller, and Long as a Committee of Conference thereon.

Also, passed Senate Bill No. 258—An Act to amend the charter of the City of Los Angeles, to define its limits and rights, enlarge its powers, and provide for its more efficient government.

Also, passed Senate Bill No. 274—An Act in relation to the revision of the laws.

Also, refused to pass Senate Bill No. 278—An Act to amend the Political Code, concerning the delinquency of taxes.

Also, passed Senate Bill No. 315—An Act to quiet title to certain salt marsh and tide land in Contra Costa County.

Also, passed Senate Bill No. 375—An Act for the relief of David C. Norcross, Sheriff of San Luis Obispo County.

Also, passed Senate Bill No. 384—An Act authorizing the Trustees of Santa Barbara School District, of the County of Santa Barbara, to issue bonds of said district for school purposes.

Also, passed Senate Bill No. 402—An Act to incorporate the City of San Diego.

Also, refused to pass Senate Bill No. 403—An Act concerning the records and papers of the Clerk's office of the County of Sacramento.

Also, amended and passed Senate Bill No. 415—An Act providing for the ascertainment and settlement of the claim, if any he has, of John Domingos, for services performed on and material furnished in the construction, improvement, and repair of the Sacramento Drainage Canal.

Also, passed Senate Bill No. 440—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Merced.

Also, passed Senate Bill No. 442—An Act to authorize and empower the Board of Supervisors of the County of Trinity to fix the rate of tolls on certain wagon roads.

Also, passed Senate Bill No. 445—An Act to establish and define the powers and duties of the Board of Education of Nevada School District, in the County of Nevada, the said district including Nevada City.

Also, passed Senate Bill No. 447—An Act amendatory of and supplementary to an Act entitled an Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 466—An Act to amend the special school law of the City of Los Angeles.

Also, passed Senate Bill No. 471—An Act relating to officers and fees of office in San Diego, San Bernardino, and Los Angeles Counties.

Also, passed Senate Bill No. 479—An Act to amend an Act entitled an Act to declare navigable Arroyo de San Antonio, or Keys Creek, Marin County, approved March twenty-eighth, eighteen hundred and seventy.

Also, passed Senate Bill No. 495—An Act in relation to the county officers of Santa Clara County, their fees and salaries.

Also, passed and ordered transmitted without engrossment, Assembly Bill No. 676—An Act to enforce payment of delinquent taxes due in the district of Santa Barbara County now constituting Ventura County.

Also, passed and ordered transmitted without engrossment, Assembly Bill No. 599—An Act to legalize defective descriptions and assessments of property for the years eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Also, passed Assembly Bill No. 625—An Act declaring the force and effect of the provisions of the Political Code concerning the office of District Attorney in El Dorado County, and granting to G. J. Carpenter, District Attorney of said county, temporary leave of absence from the State.

Also, passed Assembly Bill No. 574—An Act to authorize the Board of State Harbor Commissioners to make repairs upon private wharves in their possession.

Also, yesterday, passed under a suspension of the rules, Senate Bill No. 346—An Act to provide for the erection of county buildings in the

County of Alameda, and for the issuance of bonds therefor—and ordering the same transmitted to the Senate immediately.

And appointed Messrs. Norton, Roush, and Burt as a Committee of Conference on Assembly Bill No. 503—An Act legalizing the official acts of Constables in the County of Placer, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four.

And concurred in Senate amendments to Assembly Bills Nos 516, 559, 594, and 552.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 237, above reported; on motion of Mr. Tuttle, the rules were suspended, and the Chair authorized to appoint a Committee of Conference on the disagreeing vote on the bill, and the President appointed Messrs. Irwin, Tuttle, and Goodale as the Senate committee.

Assembly Bill No. 503, above reported, Senate refused to recede from its amendments, and, on motion of Mr. Neff, the Chair was authorized to appoint a Committee of Conference, and Messrs. Neff, Pendegast, and Martin were appointed as the Senate committee.

Senate Bills Nos. 415 and 199, above reported, the Assembly amendments were concurred in.

Assembly Bill No. 574, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bills Nos. 676 and 625, above reported, read first and second times, and referred to the delegations named in the bills.

Assembly Bill No. 599, above reported, read first and second times, and referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Evans—An Act for the relief of Henry Meyers.

Read first and second times, and referred to the delegation.

By the Judiciary Committee—An Act to amend section six hundred and section fifty-six of the Political Code.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Irwin—An Act directing the payment of the claim of George Durand against Siskiyou County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Hendricks—An Act to protect the people against quackery and diffuse sound knowledge on medical subjects.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Laine—An Act to provide for the investigation and equitable adjustment of certain claims against the County of Sonoma.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Roach—An Act to authorize the Board of Supervisors of the City and County of San Francisco to investigate and settle warrants issued by the Laguna Survey Commissioners.



Read first and second times, and referred to the delegation.

By Mr. Bush—An Act to fix the fees and remuneration of Justices of the Peace in the County of Los Angeles for services in criminal proceedings.

Read first and second times, and referred to the Judiciary Committee.

Mr. Dyer moved to reconsider the vote whereby the bill introduced by Mr. Laine was referred to the Committee on Public Morals, on which the ayes and noes were demanded by Messrs. Tuttle, Goodale, and McCoy, and it was reconsidered, by the following vote:

AYES—Messrs. Bush, Crane, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Graves, Hopkins, Keys, Laine, Martin, Neff, Pendegast, and Perkins—18.

NOES—Messrs. Bartlett, Goodale, Irwin, Kent, Lindsey, McCoy, McCune, McKusick, O'Connor, Roach, and Tuttle—11.

The bill was referred to the Committee on Claims.

Mr. Evans verbally reported Assembly Bill No. 639, recommending the passage of the bill.

Also, Assembly Bill No. 637, with amendment, recommending the adoption of the amendment, and the passage of the bill as amended.

Also, Assembly Bill No. 617, recommending its reference to the Judiciary Committee.

The bill was so referred.

On motion of Mr. Evans, the rules were suspended to take up Assembly Bills Nos. 639 and 637, to place them on their passage.

Assembly Bill No. 637—An Act making the County Treasurer of San Joaquin County ex officio Tax Collector, and the County Recorder ex officio Auditor.

Amendment adopted, read third time, and passed.

Assembly Bill No. 639—An Act to change the name of the Town of Mokelumne.

Read third time and passed.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Neff offered a resolution to allow James Saultry pay for services as Day Watchman and Doorkeeper.

Referred to the Committee on Contingent Expenses.

By Mr. Neff, for the Committee on State Prison, a concurrent resolution recommending that certain persons now confined in the State Prison be pardoned.

Adopted.

On motion of Mr. Laine, the rules were suspended to take up Assembly Bill No. 501—An Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four.

Amendment adopted, read third time, and passed.

On motion of Mr. Pendegast, the rules were suspended to take up Assembly Bill No. 424, reported from the Judiciary Committee to-day.

Amendment adopted, read third time, and passed.

On motion of Mr. Finney, the rules were suspended to take up Senate Bill No. 491—An Act to amend and revise an Act entitled an Act to incorporate the Town of Redwood, approved March twenty-seventh,



eighteen hundred and sixty-eight, and the several Acts amendatory of and supplementary thereto, and for other purposes.

Rules suspended, considered engrossed, read third time, and passed, and ordered transmitted to the Assembly without engrossment.

#### GENERAL FILE.

Senate Bill No. 435—An Act to provide for the payment of certain Controller's warrants.

Made special order for Tuesday, March twenty-fourth, at two o'clock P. M.

Senate Bill No. 87—An Act to provide for the erection and maintenance of a branch prison near the Town of Folsom.

Read third time.

On the passage of the bill, the ayes and noes were demanded by the requisite number, and it passed, by a vote as follows:

AYES—Messrs. Crane, Duffy, Dyer, Eakin, Edgerton, Fraser, Garratt, Goodale, Hopkins, Kent, Martin, McCoy, McKusick, Neff, Pendegast, Roach, and Turner—17.

NOES—Messrs. Bartlett, Bush, Farley, Finney, Graves, Irwin, Keys, Laine, Lindsey, McCune, McMurphy, O'Connor, and Tuttle—13.

Mr. Goodale gave notice that, on Monday next, he would move to reconsider the vote by which the bill passed.

Senate Bill No. 141—An Act to establish a State Reformatory.

The Senate refused to pass the bill.

Senate Joint Resolution No. 57—concerning the survey of private land claims in California.

Passed on file.

Assembly Bill No. 653—An Act supplemental to an Act entitled an Act to regulate the fees of office, and to fix the compensation of the officers, in the County of Sacramento, approved February twenty-eighth, eighteen hundred and seventy-four.

Passed on file.

Senate Bill No. 388—An Act to create a swamp land district, to be known as Lake District Number One, of Sacramento County.

Passed on file.

Senate Bill No. 492—An Act to add two sections to the Political Code.

Passed on file.

Assembly Bill No. 520—An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco.

Read third time, and passed.

Assembly Bill No. 524—An Act for the relief of T. P. Riordan.

Read third time, and passed.

Assembly Bill No. 436—An Act to pay J. E. Foulds for services rendered to the Assembly Committee on Corporations of the nineteenth session of the Legislature.

Read third time, and passed.

Assembly Bill No. 442—An Act to pay certain claims for services rendered as witnesses summoned in behalf of the State.

Read third time, and passed.

Assembly Bill No. 538—An Act to authorize the issue of bonds by the County of Kern to erect county buildings.

Read third time, and passed.

Assembly Bill No. 584—An Act concerning the office of District Attorney of the City and County of San Francisco.

Read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Bartlett, O'Connor, and McMurry, and it passed, by a vote as follows:

AYES—Messrs. Duffy, Dyer, Farley, Fraser, Irwin, Kent, Keys, Lindsey, Martin, McCoy, McMurry, Neff, Pendegast, and Roach—14.

NOES—Messrs. Bartlett, Bush, Crane, Goodale, Laine, McCune, O'Connor, Perkins, Turner, and Tuttle—10.

Senate Bill No. 426—An Act relating to the funds of Swamp Land District Number Eighteen.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 540—An Act to legalize a certain assessment in the City of Sacramento.

The Senate refused to pass the bill.

Mr. Pendegast gave notice of a motion to reconsider the vote.

Senate Bill No. 374—An Act relative to publishing the statutes of eighteen hundred and seventy-three-seventy-four.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 21st, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 674—An Act to repeal an Act entitled an Act relating to public records in Lake County, approved March thirty-first, eighteen hundred and sixty-six.

Also, passed Assembly Bill No. 647—An Act amendatory to the Act entitled an Act to provide for the protection of certain lands in Sutter County from overflow, approved March twenty-fifth, eighteen hundred and sixty-eight, and to the Act supplementary thereto, approved March thirtieth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 646—An Act to amend an Act entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code, approved March thirteenth, eighteen hundred and seventy-four.

Also, passed Assembly Bill No. 670—An Act to authorize the Methodist Episcopal Church of the Town of Rohnerville, in the County of Humboldt, to reduce the number of Trustees.

Also, passed Assembly Bill No. 648—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, passed Assembly Bill No. 686—An Act to amend an Act entitled an Act to allow certain persons therein named, and their assigns, to take possession of and improve a certain road in the County of Sacramento, passed March twenty-third, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 654—An Act concerning the State Harbor Commissioners, and for other purposes.

Also, concurred in Senate amendment to Assembly Bill No. 32—An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 674, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 647, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 648, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 684, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 670, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 654, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 646, above reported, read first and second times, and referred to the Committee on Education.

#### REPORTS.

Mr. Irwin submitted a report, as follows:

Mr. PRESIDENT: The Committee of Free Conference, to whom was referred the disagreeing vote of the Senate and Assembly on Substitute for Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California—have had the same under consideration, and now beg leave to report as follows. We advise:

First—That the Assembly concur in the Senate amendment to said bill, except the fifth section thereof.

Second—That the bill be then amended by striking out said fifth section, and inserting the accompanying matter in lieu thereof.

IRWIN,  
TUTTLE,  
DYER,  
MURPHY,  
PAULSELL,  
COWDERY.

Adopted.

Section 5. The Assessors must make duplicate lists of the enumeration of the inhabitants of their respective counties, to which they must attach their affidavits that such duplicates are true copies of the original lists of enumeration. Such duplicates, with affidavits attached, the Assessors must forward to the Secretary of State on or before the first day of August, in the year eighteen hundred and seventy-five. Upon the completion of the enumeration in each county, each Assessor and Deputy Assessor, or other person who assisted in making the enumera-

tion, must make a separate return of his own work; and where his district shall have embraced more than one township, his return must show the enumeration of each township, giving in detail all the facts about each person, required by section two of this Act. And he must accompany his return with an affidavit, in form substantially as follows: "I (A. B.), Assessor, or Deputy Assessor, or other person (as the case may be), to whom was assigned the enumeration of the inhabitants of — District, in the County of —, being duly sworn, depose and say, that I entered upon the discharge of my duties as census officer on the — day of —, eighteen hundred and seventy-five, and prosecuted the same till the — day of —, eighteen hundred and seventy-five; that I visited every house, habitation, and other place of abode in said district, and made diligent inquiry as to the actual population therein; that the annexed return contains every actual inhabitant thereof, of every color and race, and of every age, with the other facts required by law, correctly stated, so far as deponent could ascertain the same; and that the return does not contain the name of any person who was not an actual inhabitant of said district at the time the enumeration of the inhabitants thereof was made; and that I have not in any manner attempted to increase the number of inhabitants in said district beyond that actually existing, nor have I attempted to decrease the same; and that in all respects I have faithfully and honestly and fairly performed the duties imposed on me by law." Any person making a false oath to any particular in the foregoing affidavit, shall be deemed guilty of perjury, and punished accordingly. After having made the duplicates in this section required, the Assessors must take the original lists of enumeration of the inhabitants of their respective counties, and with the affidavits of the persons making said lists of enumeration, as in this section required, attached, deliver the same to the County Clerks of their respective counties, who must file the same with the archives of the county.

The report was adopted.

At one o'clock and four minutes P. M., on motion of Mr. Pendegast, the Senate adjourned until Monday, the twenty-third instant, at eleven o'clock P. M.

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#### IN SENATE.

SENATE CHAMBER,  
Monday, March 23d, 1874. }

The Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

The Journal of Saturday was being read, when, on motion of Mr. Tuttle, the further reading of the Journal was dispensed with.

Mr. Irwin moved to postpone the special order set for eleven o'clock A. M., until twelve o'clock M., to-day.

Carried.



## PETITION.

Mr. Evans presented a remonstrance from merchants of San Francisco against the passage of Senate Bills Nos. 437 and 439.

Received, and referred to the Judiciary Committee.

## REPORTS.

Reports were submitted, as follows:

By Mr. Neff:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 467—An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

Also, Senate Bill No. 464—An Act to authorize the Board of Supervisors of Solano County to levy a road tax.

Also, Senate Bill No. 393—An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining.

Also, Senate Bill No. 489—An Act to authorize the Board of Supervisors of Contra Costa County to levy a special tax.

Also, Senate Bill No. 452—An Act to provide for the collection of the unpaid taxes due for the fiscal years eighteen hundred and seventy-two and three and eighteen hundred and seventy-three and four.

Also, Senate Bill No. 414—An Act legalizing the State tax and assessment in the several counties in eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Also, Senate Bill No. 494—An Act to authorize Chico School District to issue bonds for building purposes.

NEFF, Chairman.

Mr. Goodale verbally reported Senate Bill No. 457, requesting its reference to the Committee on the Judiciary, with the accompanying documents.

So ordered.

Mr. Gibbons verbally reported Assembly Bill No. 622—An Act to provide funds for the school department of the City of Oakland—recommending that the bill do not pass.

On motion of Mr. Gibbons, the bill was indefinitely postponed.

By Mr. Bush:

Mr. PRESIDENT: The Los Angeles delegation, to whom was referred Senate Bill No. 455, beg leave to refer it back, and recommend that it be referred to the Committee on Counties and County Boundaries.

BUSH, for Delegation.

The bill was so referred.

By Mr. Roach:

Mr. PRESIDENT: The Committee on Commerce and Navigation, to

whom was referred Assembly Bill No. 574—to authorize the State Harbor Commissioners to make repairs upon private wharves in their possession—have had the same under consideration, and recommend its passage.

ROACH, Chairman.

Rules suspended, bill taken up, read third time, and passed.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 274—An Act in relation to the revision of the laws;

Also, Senate Bill No. 375—An Act for the relief of David C. Norcross, Sheriff of San Luis Obispo County;

Also, Senate Bill No. 98—An Act to provide for the payment of certain bonds in the County of Lake;

And presented the same to the Governor for his approval, on Saturday, the twenty-first instant, at two o'clock and forty-five minutes P. M.

McMURRY, Chairman.

By Mr. Irwin:

Mr. PRESIDENT: The Committee on Finance, to whom was referred Senate Bill No. 144—An Act for the redemption of unused and uncanceled stamps heretofore sold by the State of California—have had the same under consideration, and now report it back with a substitute, and recommend the adoption of the substitute, and the passage of the bill thus amended.

IRWIN, Chairman.

Mr. Evans verbally reported Senate Bill No. 498—An Act for the relief of Henry Meyers—recommending its passage.

Rules suspended, read third time, and passed, and ordered transmitted to the Assembly without engrossment.

By Mr. Farley:

Mr. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 116—An Act to enforce the responsibility of stockholders in incorporations, as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations—have had the same under consideration, and report it back and recommend that it do not pass, as the bill does not materially change the law upon the subjects named in its title from the law as it now stands in the Civil Code; and, in fact, the law, as it now stands, makes ample provision for the main objects sought by this bill.

Also, have had under consideration Assembly Bill No. 659—An Act to provide for the construction of a railroad from the City of Marysville, in the County of Yuba, to Knight's Landing, in the County of Yolo, and to regulate fares and freights thereon—and report the same back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Assembly Bill No. 628—An Act to provide for the construction of a railroad from Independence, in the County of Inyo, to the City of Los Angeles, Los Angeles County, and to regulate fares and freights thereon—and report the same back with amendments, and respectfully

recommend the adoption of the amendments, and the passage of the bill as amended.

FARLEY, Chairman.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on the Judiciary have had under consideration Assembly Bill No. 194—An Act to amend the Code of Civil Procedure relative to liens of mechanics and others upon real property—and report the same back, without recommendation.

Also, Assembly Bill No. 147—An Act to amend the Political Code in relation to highways—and report the same back, with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 252—An Act to amend section thirty-six hundred and forty-four of the Political Code;

Also, Senate Bill No. 465—An Act supplementary to and amendatory of an Act entitled an Act providing for the disposition of certain property, passed April twenty-first, eighteen hundred and fifty-one;

Also, Assembly Bill No. 397—An Act to enable the electors of the State to nominate their United States Senators;

Also, Assembly Bill No. 215—An Act to prevent fraudulent sales of merchandise;

And report the same back, and recommend that they be indefinitely postponed.

Also, Senate Bill No. 501—An Act to protect the people against quackery, and diffuse sound knowledge on medical subjects—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 617—An Act to protect agriculture in the County of San Joaquin—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 599—An Act to legalize defective descriptions of property for the years eighteen hundred and seventy-two and eighteen hundred and seventy-three—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 670—An Act to authorize the Methodist Episcopal Church of the Town of Rohnerville, in the County of Humboldt, to reduce the number of Trustees—and report the same back, and recommend its passage.

Also, Senate Bill No. 496—An Act to authorize the City of Oakland to obtain a supply of water—and report the same back, and recommend its passage.

PENDEGAST, Chairman.

By Mr. Finney:

Mr. PRESIDENT: Your Committee on Agriculture respectfully make the following report: Your committee have examined Senate Bill No. 480, and recommend its passage.

Also, Assembly Bill No. 391, and recommend its passage.

Also, Assembly Bill No. 525, and recommend that it do not pass.

Also, Senate Bill No. 321, and recommend it do not pass.

The reasons why the committee recommend that the last two bills do not pass, is that it is very difficult to pass a general game law which will be acceptable to all sections of the State. The committee will soon offer a substitute for both bills.

Also, Assembly Bill No. 301, amended, and recommend passage as amended.

FINNEY, Chairman.

By Mr. Goodale:

Mr. PRESIDENT: The Marin County delegation have had under consideration Assembly Bill No. 665—An Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin—report the same back, and recommend its passage.

Also, Assembly Bill No. 666—An Act concerning the county records of the County of Marin—report the same back, and recommend its passage.

Also, Assembly Bill No. 620—An Act in relation to suits against the County of Marin for damages on account of laying out public roads—and report the same back, and recommend its passage.

GOODALE, for Delegation.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 23d, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the nineteenth day of March, passed Assembly Bill No. 226—An Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts.

Also, on the twenty-first instant, passed Senate Concurrent Resolution No. 54—in behalf of Charles M. Blake, late Chaplain in the United States Army.

Also, passed Senate Bill No. 89—An Act to amend certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, concerning the publication of the Reports of the Supreme Court.

Also, amended and passed Senate Bill No. 178—An Act to provide for the proper distribution, in the several County Treasuries, of funds arising from the sale of swamp lands.

Also, refused to pass Senate Bill No. 239—An Act to amend section four thousand two hundred and thirty-four of the Political Code.

Also, passed Senate Bill No. 349—An Act to authorize the Controller to issue duplicate warrants.

Also, passed Senate Bill No. 352—An Act to authorize the State Controller to issue a duplicate warrant.

Also, passed Senate Bill No. 363—An Act concerning submarine sites for lighthouses, and other aids to navigation, on the coast of this State.

Also, passed Senate Bill No. 379—An Act to amend section three hundred and ninety-seven of the Penal Code.

Also, passed Senate Bill No. 409—An Act supplemental to and amendatory of an Act entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant, approved February seventeenth, eighteen hundred and seventy-four.



Also, passed Senate Bill No. 417—An Act to abolish the office of Architect of the State Capitol building.

Also, amended and passed Senate Bill No. 473—An Act to fix the salary of the County Recorder of the County of Placer.

Also, on same day, concurred in Senate amendments to Assembly Bill No. 573—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, concurred in Senate amendments to Assembly Bill No. 501—An Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 23d, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-first day of March, passed Substitute for Assembly Bill No. 15—An Act to amend section fifty of the Code of Civil Procedure.

Also, on this twenty-third day of March, passed, under a suspension of the rules, Assembly Bill No. 658—An Act respecting actions against railroad and mining corporations, and stockholders therein, in Justices' Courts—and ordered the same transmitted to the Senate without engrossment.

Also, refused to concur in Senate amendments to Assembly Bill No. 509—An Act to authorize the Board of Supervisors of Lake County to lease a certain toll road in said county, and for other purposes.

Also, passed, under a suspension of the rules, Assembly Bill No. 712—An Act to ratify and confirm Order Number Eleven Hundred and Thirty-nine of the Board of Supervisors of the City and County of San Francisco—and ordered the same transmitted without engrossment.

Also, passed Assembly Bill No. 715—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties in this State, approved February thirteenth, eighteen hundred and seventy-two, so far as the same relates to the County of San Bernardino.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bills Nos. 473 and 178, above reported, Assembly amendments to the bills concurred in.

Assembly Bill No. 226, above reported, read first and second times, and referred to the Committee on Finance.

Substitute for Assembly Bill No. 15, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 658, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 712, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 715, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 509, above reported, Senate adhered to its amendments to the bill, and, on motion of Mr. Pendegast, the rules were suspended, and the Chair authorized to appoint a Committee of Conference, and the President appointed as such committee Messrs. Pendegast, Tuttle, and Perkins.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Pendegast—An Act levying a tax for State purposes, for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Keys—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Irwin—An Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read a third time, and ordered transmitted to the Assembly without engrossment.

#### REPORTS.

Mr. Hendricks, by leave, submitted a report, as follows:

MR. PRESIDENT: The minority of the Joint Committee of the Senate and Assembly, appointed under a resolution authorizing them "to investigate the progress of the State Geological Survey, and report upon the propriety of a further appropriation for the same, and whether it is intended to be or can be made beneficial to the practical industries of the State," beg leave to submit the following report:

That theoretical or general geology has absorbed, in the opinion of the committee, too much of attention and appropriations. While too much information upon those branches could not be given or received, yet soils, rock, and minerals, with which the masses are in constant contact, in following their daily avocations, have been partially neglected. Practical or economical geology has suffered, that the former might flourish.

That while the head of the survey is eminently entitled to the high reputation he enjoys as a geologist, and under whose management and direction the scope and grandeur of the work has been so broadly laid and prosecuted, yet the present condition of the survey and its future prospects are not satisfactory, in that the people who furnish the means are not sufficiently consulted or considered.

While the scientists of other States, and of foreign lands, are enthusiastic in their praises and congratulations on our successful progress, the committee feel that the masses of our own State are, not without some reason, questioning the propriety of further appropriation, if it is to be a "sealed book" to them. The results of scientific investigation may be explained and popularized, whilst the processes by which those results are obtained, may be unintelligible to the masses.

It is believed that the survey can be made of incalculable advantage to the educational and industrial interests of the State, and that which has been done and accomplished should be carefully preserved, if not industriously prosecuted.

Greater inducements for geological research were never presented than in California. The present and ancient river channels; our lakes, valleys, and mountain ranges; the immense auriferous quartz gravel belts, and their lava or basaltic caps; the boiling springs, a thousand of them within a stone's throw of each other, and all discharging a different quality of mineral water; mountains producing every variety of minerals, and valleys producing every variety of grain and fruit; and, in addition, the natural inducements are enhanced by the practical workings and developments. The crust of the earth has been penetrated in numberless places, from hundreds to thousands of feet, and exposed to view for the scientific eye to reason from; all of which offers such wonderfully interesting and profitable inducements to prosecute the geological survey, that it would be a shame and pity to abandon and leave all that has already been done and accomplished.

The State has a property in the survey, estimated by those who ought to know best, at several hundred thousand dollars. The committee, under all the attending circumstances, have been at a loss to know what to recommend, but have concluded, after full thought and consultation on the subject, to simply attempt a preservation of the survey for the present, and herewith present a bill for that purpose, and earnestly ask its immediate and favorable consideration.

With the majority report of the committee, presented in the Assembly, will be found two statements, made to the committee by the present head of survey, Professor J. D. Whitney, to which your attention is called, particularly to the one containing a list of the property of the State in the survey.

W. C. HENDRICKS,  
Senate Committee.

#### INTRODUCTION OF BILLS.

By Mr. Hendricks—An Act to preserve the geological survey.

Read first and second times, rules suspended, read third time, and passed.

By Mr. Roach—An Act to add another section to the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee. Also, a concurrent resolution for the relief of Gen. A. M. Winn.

Read first and second times, and referred to the Committee on Federal Relations.

#### SPECIAL ORDER.

Consideration of railroad bills regulating fares and freights on railroads in this State.

Mr. Edgerton moved that all the bills comprising the special order should be taken up for consideration at the same time, and the special order be postponed until two o'clock and thirty minutes P. M.

Agreed to.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Hopkins offered a resolution providing for the payment of three

hundred and fifty dollars to Thomas Fraser for expenses in the contested election case of Gildea vs. Fraser.

Referred to the Committee on Elections.

By Mr. Kent—for printing the reports of the Governor and certain State officers in the Spanish language.

Referred to the Committee on Finance.

On motion of Mr. Crane, the rules were suspended to take up Assembly Bill No. 609—An Act providing for the construction of a railroad from the City of Marysville, in Yuba County, to Knight's Landing, in Yolo County, and to regulate fares and freights thereon.

Amendments adopted, read third time, and passed.

On motion of Mr. Bush, the rules were suspended to take up Assembly Bill No. 628—An Act to provide for the construction of a railroad from Independence, in the County of Inyo, to the City of Los Angeles, and to regulate fares and freights thereon.

Amendments adopted, read third time, and passed.

Pursuant to notice, Mr. Pendegast moved to reconsider the vote whereby the Senate refused to pass Assembly Bill No. 540—An Act to legalize certain assessments in the City of Sacramento.

The vote was reconsidered, read third time, and passed.

#### GENERAL FILE.

Senate Bill No. 328, passed on file.

Senate Bill No. 468—An Act to confer additional powers on municipal authorities in incorporated cities and towns.

Laid on the table.

Assembly Bill No. 390—An Act to repeal Article XI, of Chapter I, Title VI, of the Political Code.

Read third time, and passed.

Assembly Bill No. 424—An Act to amend sections six hundred and sixty and six hundred and sixty-one of the Political Code.

Read third time, and passed.

Assembly Bill No. 283, and Senate Bills Nos. 302 and 372.

Referred to the Judiciary Committee.

Senate Bill No. 238—An Act to amend section one thousand four hundred and ninety-three of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 481—An Act to amend section one hundred and sixty-seven of the Civil Code.

Ordered engrossed.

Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy.

Substitute adopted, read third time, and passed.

Assembly Bill No. 53—An Act to appropriate money for the expenses of the Tide Land Commission.

Amended, read third time, and passed.

Assembly Bill No. 403—An Act in relation to the Political Code.

Read third time, and passed.



Pursuant to a notice given on Saturday, Mr. Duffy moved to reconsider the vote whereby the Senate passed Senate Bill No. 87—An Act to provide for the erection and maintenance of a branch prison near the Town of Folsom.

Mr. Duffy moved to indefinitely postpone the motion to reconsider. On which the ayes and noes were demanded by Messrs. Fraser, Lindsey, and Neff, and the motion prevailed, by a vote as follows:

AYES—Messrs. Andross, Crane, Duffy, Dyer, Eakin, Finney, Fraser, Hendricks, Hopkins, Kent, Martin, McKusick, Neff, Pendegast, Roach, Spencer, and Turner—17.

NOES—Messrs. Bartlett, Beck, Bush, Farley, Goodale, Lindsey, McMurry, and Tuttle—8.

#### GENERAL FILE RESUMED.

Assembly Bill No. 335—An Act to amend the Civil Code, relating to the liability of landlords.

Indefinitely postponed.

Senate Bill No. 42—An Act to prevent and punish official misconduct.

Indefinitely postponed.

At one o'clock P. M., on motion of Mr. McKusick, the hour of recess was extended, and the Senate took a recess until two o'clock and thirty minutes P. M.

#### REASSEMBLED.

At two o'clock and thirty minutes P. M., the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

Mr. Neff, by leave, introduced a bill, as follows:

An Act to add to the Penal Code a section preventing telegraph corporations from making discriminations in their charges.

Read first and second times, and referred to the Judiciary Committee.

#### REPORTS.

Mr. Roach submitted a report, as follows:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 313—An Act to improve the navigation of the Sacramento and San Joaquin Rivers—introduced by Mr. Roach, have had the same under consideration, as also a substitute presented therefor, by the author of the bill, to meet the views of the Representatives of Sacramento and San Joaquin Counties, and in view of the appropriation the measure would require during the ensuing two years, the majority recommend that the bill do not pass.

The minority of the committee beg leave to present to the Senate their views in favor of the bill.

The report was ordered printed.

[For report, see Appendix.]

Mr. Perkins, for the majority of the committee, requested further time to submit a majority report upon the same subject, to be printed with the minority report.

So ordered.

On motion of Mr. Goodale, the rules were suspended to take up As-

sembly Bill No. 582—An Act relative to Swamp Land District Number One Hundred and Eighteen, in Contra Costa County.

Read third time, and passed.

Mr. Neff submitted a report, as follows:

Mr. PRESIDENT: The Committee on State Prison, to whom was referred Assembly Bill No. 246—An Act to regulate and govern the California State Prison—have had the same under consideration, now report the same back with amendments, and a majority of the committee recommend the adoption of the amendments, and the passage of the bill as amended.

NEFF, Chairman.

#### SPECIAL ORDERS.

Assembly Bill No. 2—An Act to regulate fares and freights on the railroads in the State of California.

Senate Bill No. 449—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State.

Senate Bill No. 150—An Act creating a Board of Transportation Commissioners, and prescribing their duties and powers.

Senate Bill No. 165—An Act to prevent extortion and unjust discrimination in the rates charged for the transportation of passengers and freight on railroads and steamboats in this State, and to punish the same.

Senate Bill No. 214—An Act to regulate the building and maintaining of depots and stations, and the stopping of trains thereat, upon the several railroads in the State of California.

Assembly Bill No. 2, reported from the Committee of the Whole with amendments; amendments taken up in their order.

By Mr. Martin—Amend section one by adding after the word "baggage," in line two, as follows: Children, under five years of age, free; over five and under twelve, half fare.

Lost.

Also, amend section three by adding: Providing that the provisions of this section shall not apply to lumber, wood bolts, fence posts, shingles, shakes, and firewood. Also, providing that hay in bales shall not be charged over fifty per cent more than the rates allowed in section one of this Act.

Lost.

By Mr. Perkins—Amend by adding the following section to the bill after section twelve:

Section 13. Nothing in this Act shall be so construed as to allow any higher tariffs and rates of freight, passage money, or commutation rates and charges, than such rates and charges as were granted and in force against shippers and passengers January first, eighteen hundred and seventy-four.

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Perkins, Hendricks, and Oulton, and it was lost, by a vote as follows:

AYES—Messrs. Bartlett, Crane, Eakin, Hendricks, Martin, McMurry, Neff, O'Connor, Perkins, Roach, Spencer, and Tuttle—12.

NOES—Messrs. Andross, Beck, Bush, DeHaven, Duffy, Dyer, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hopkins,

Irwin, Kent, Keys, Laine, Lindsey, McCoy, McCune, McKusick, Oulton, Pendegast, and Turner—26.

By Mr. McCune:

*Provided*, The provisions of this Act shall not apply to the Vacaville railroad.

Lost.

Mr. Fraser moved to strike out section nine of the bill.

Lost.

Mr. Laine moved to amend section two, line two, by striking out the word "reach," and inserting, in lieu thereof, the words "run at."

Adopted.

Mr. Perkins moved to lay the bill on the table, in order to take up Senate Bill No. 449.

Lost.

Mr. Edgerton moved to postpone the further consideration of Assembly Bill No. 2, and the special order, until to-morrow, at eleven o'clock A. M.

Carried.

#### RESOLUTION.

The resolution offered on the fourteenth instant, was, on motion of Mr. Pendegast, its author, taken from the table, and amended to read as follows:

*Resolved*, That the Secretary of the Senate be authorized and required to prepare two files—one, a Special File, upon which he shall place all bills of a local or special character; and one, a General File, upon which shall be placed all bills of a general character.

*Resolved, further*, That the Senate will, on Monday, March twenty-third, hold a session from ten o'clock A. M., until five o'clock P. M., exclusive of the hour of recess now provided for; at which session, the ordinary business of the day shall be attended to, and the bills on the General File considered. And that the Senate shall hold an evening session on said day, commencing at seven o'clock and thirty minutes P. M., at which session the bills on the Special File shall be considered, to the exclusion of all other business, except messages from the Governor and from the Assembly.

*Resolved, further*, That this order shall continue and be in force during each remaining day of the present session.

Adopted.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 23d, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Substitute for Assembly Bill No. 412—An Act to reincorporate the City and County of San Francisco.

Also, concurred in Senate amendments to the following Assembly bills, to wit: Nos. 591, 637, 424, 659, 628, and 53.

Also, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 708—An Act to incorporate the Town of San Mateo, and establish its boundaries, define its powers, and for other purposes.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 23d, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under a suspension of the rules, Assembly Bill No. 126—An Act to amend the Civil Code—and ordered the same transmitted to the Senate without engrossment.

Also, on the twenty-first instant, passed Senate Bill No. 253—An Act for the relief of Catherine Connolly.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Substitute for Assembly Bill No. 412, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 708, above reported, read first and second times, and ordered on file.

Assembly Bill No. 126, above reported, read first and second times, and referred to the Judiciary Committee.

At five o'clock and ten minutes P. M., on motion of Mr. Pendegast, the Senate took a recess until seven o'clock and thirty minutes P. M.

#### EVENING SESSION.

At seven o'clock and thirty minutes P. M., the Senate met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

#### MOTION.

Mr. Duffy moved that Assembly Bill No. 412, reported from the Assembly to-day, be printed.

So ordered.

#### REPORTS.

Mr. Pendegast submitted a report, as follows:

MR. PRESIDENT: The Committee on Judiciary have had under consideration Assembly Bill No. 172—An Act to provide a system of irrigation—and report the same back, and a majority recommend its passage.

PENDEGAST, Chairman.



On motion of Mr. Edgerton, the bill above reported was ordered at the head of the General File for to-morrow.

#### SPECIAL ORDER.

Governor's veto message of Senate Bill No. 44—An Act to add two sections to the Political Code.

Upon the question, Shall the bill pass, notwithstanding the objections of the Governor? the roll was called, with the following result:

AYES—Messrs. Andross, Beck, Boggs, Bush, Crane, Duffy, Dyer, Eakin, Evans, Farley, Fraser, Hendricks, Hopkins, Irwin, Keys, Martin, McCoy, McCune, McKusick, McMurry, Neff, Oulton, Pendegast, Roach, and Tuttle—25.

NOES—Messrs. Bartlett, DeHaven, Edgerton, Finney, Garratt, Gibbons, Goodale, Graves, Kent, Laine, Lindsey, O'Connor, Perkins, Spencer, and Turner—15.

And the Senate refused to pass the bill.

Special order after disposal of veto message of Senate Bill No. 44: Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years.

On motion of Mr. Irwin, it was postponed until two o'clock and thirty minutes P. M., Tuesday, twenty-fourth instant.

At ten o'clock and seven minutes P. M., on motion of Mr. Lindsey, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, March 24th, 1874. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

The Journal of yesterday was being read, when Mr. Neff moved to dispense with the further reading of the same.

So ordered.

#### REPORTS.

Reports were submitted, as follows:

By Mr. Beck:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 497—An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Shasta.

Also, Senate Bill No. 493—An Act to regulate official salaries in the County of Solano.

BECK, for the Committee.

By Mr. Gibbons:

MR. PRESIDENT: The Committee on Education, to whom was referred Assembly Bill No. 523—An Act to amend the provisions of the Political Code relative to public schools—beg leave to report the same back, with amendments, and recommend the passage of the same, with the amendments.

Also, recommend the passage of Assembly Bill No. 646—An Act to amend an Act entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code.

GIBBONS, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 23d, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 256—An Act making an appropriation for the payment of unpaid salaries of the Code Commissioners, clerical labor, and other expenses incurred by the State under the Act approved March twenty-second, eighteen hundred and seventy-two.

Also, Senate Bill No. 274—An Act in relation to the revision of the laws.

Also, Senate Bill No. 212—An Act for the relief of James W. Marshall.

Also, Senate Bill No. 358—An Act to provide for the purchase of certain portraits.

Also, Senate Bill No. 262—An Act to provide for payment of attorneys' fees.

Also, Senate Bill No. 194—An Act to pay certain claims in favor of Patrick Kearns.

Also, Senate Bill No. 219—An Act to indemnify bona fide settlers on the Yosemite grant.

Also, Senate Bill No. 218—An Act to repeal an Act entitled an Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto, approved February first, eighteen hundred and seventy-two.

Also, Senate Bill No. 370—An Act to authorize the Board of Supervisors in Los Angeles County to purchase a farm in the City of Los Angeles, to build and establish a County Almshouse and Hospital thereon, and to issue bonds for the payment of the same.

Also, Senate Bill No. 312—An Act concerning the office of Public Administrator, Coroner, and Superintendent of Public Schools of the County of Stanislaus.

Also, Senate Bill No. 335—An Act to fix the compensation of the School Superintendent of the County of Stanislaus.

Also, Senate Bill No. 348—An Act to amend an Act entitled an Act to incorporate the Town of Colusa, approved April fourth, eighteen hundred and seventy.

Also, Senate Bill No. 428—An Act to regulate the fees of certain officers in the County of Mendocino.

Also, Senate Bill No. 359—An Act to add another section to the Penal Code.

Also, Senate Bill No. 95—An Act to protect bona fide settlers upon public lands.

Also, Senate Bill No. 204—An Act for the protection of preëmption and homestead claimants.

NEWTON BOOTH,  
Governor.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 23d, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twentieth instant, passed Assembly Bill No. 638—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the salaries of public officers who are entitled to monthly payments from the State.

Also, passed Assembly Bill No. 642—An Act to authorize the Mayor and Common Council of Salinas City to build a school house and to provide for a fire department in said city, to issue bonds therefor, and to provide for the payment of the same.

Also, passed Assembly Bill No. 618—An Act to provide for the widening of Dupont street, in the City and County of San Francisco, and to take private lands therefor.

Also, passed Assembly Bill No. 396—An Act creating a Board of Transportation Commissioners, and prescribing their duties and powers.

Also, passed Assembly Bill No. 677—An Act to increase the revenue of the City of Oakland from wharfage.

Also, passed Assembly Bill No. 671—An Act to authorize the Board of Supervisors of Monterey County to build a Court House and Jail in said county, to issue bonds of said county for the construction thereof, and to provide for the payment of the same.

Also, Assembly Bill No. 655—An Act supplementary to and amendatory of an Act entitled an Act amendatory and supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six, approved January thirty-first, eighteen hundred and seventy.

Also, passed Assembly Bill No. 551—An Act to provide for the payment of an outstanding warrant drawn by the Auditor of the County of Yolo against the Swamp Land District Fund of District Number Eighteen.

Also, passed Assembly Bill No. 699—An Act consolidating the offices of Sheriff and Tax Collector in the County of Placer, and making the Sheriff ex officio Tax Collector.

Also, passed Assembly Bill No. 478—An Act to add a section, to be numbered section two hundred and ninety-seven, to an Act entitled an Act to establish a Penal Code.

Also, passed Assembly Bill No. 697—An Act to provide for the collection of certain unpaid taxes in the County of Modoc.

Also, passed Assembly Bill No. 682—An Act to authorize the Trustees of the City of Benicia to purchase a lot of land for public purposes.

Also, passed Assembly Bill No. 541—An Act for the relief of A. T. Gray, late Treasurer and ex officio Tax Collector of El Dorado County.

Also, passed Assembly Bill No. 593—An Act to authorize the Mutual Life Insurance Company of New York to invest moneys in real and personal estate within the limits of California.

Also, passed Assembly Bill No. 645—An Act for the protection of coal mines and coal miners.

Also, passed Assembly Bill No. 513—An Act to amend section thirty-eight hundred and sixty-six of the Political Code.

Also, passed Assembly Bill No. 254—An Act to provide for the payment of the deficiency in the salaries of the members of the State Board of Examiners for the twenty-third fiscal year.

Also, passed Assembly Bill No. 429—An Act to regulate freight on railroads in the State of California, when shipped by the car load.

Also, passed Assembly Bill No. 700—An Act to authorize the Board of Supervisors of Alameda County to pay the claim of George W. Babcock.

Also, passed Assembly Bill No. 672—An Act fixing the compensation of the Assessor of the County of Mono.

Also, on the twenty-first instant, passed Assembly Bill No. 518—An Act to provide for the redemption of the bonded indebtedness of El Dorado County.

Also, passed Substitute for Assembly Bill No. 66—An Act to prevent the trespassing of animals upon private property in the County of El Dorado.

Also, passed Assembly Bill No. 629—An Act to amend section thirteen hundred and twenty-nine of the Penal Code.

Also, passed Assembly Bill No. 507—An Act to amend certain sections of the Political Code, in relation to collection of poll taxes.

Also, passed Assembly Bill No. 479—An Act to amend section thirty-eight hundred and sixty of the Political Code.

Also, passed Assembly Bill No. 611—An Act authorizing and empowering the California Acclimatizing Society to provide for the restoration and preservation of fish in the waters of this State.

Also, passed Assembly Bill No. 607—An Act to compel the proper observance of the laws of the State of California by public officers.

Also, passed Assembly Bill No. 656—An Act to confer additional powers on municipal authorities in incorporate cities and towns in this State.

Also, return to the Senate, correctly engrossed, Assembly Bill No. 205—An Act to amend the Political Code.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 24th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Concurrent Resolution No. 6—to cheapen telegraphic communication,



Also, adopted and passed Assembly Substitute for Senate Bill No. 269—An Act fixing the salaries of certain officers of San Luis Obispo County.

Also, passed Senate Joint Resolution No. 50—concerning the improvement of the harbor of Oakland.

Also, amended and passed Senate Bill No. 296—An Act regulating the sale of mineral lands belonging to the State.

Also, amended and passed Senate Bill No. 394—An Act to provide for the payment of certain indebtedness of Tuolumne County.

Also, passed Senate Bill No. 380—An Act to aid in the improvement of the lands of the State Agricultural Society.

Also, passed Senate Bill No. 407—An Act for the protection of buoys and beacons.

Also, passed Senate Bill No. 491—An Act to amend and revise an Act entitled an Act to incorporate the Town of Redwood, approved March twenty-seventh, eighteen hundred and sixty-eight, and the several Acts amendatory of and supplementary thereto, and for other purposes.

Also, passed Senate Bill No. 494—An Act to authorize Chico School District to issue bonds for building purposes.

Also, passed Senate Bill No. 498—An Act for the relief of Henry Meyers.

Also, passed Assembly Bill No. 239—An Act to provide for the sale of the Codes, Statutes Continued in Force, and the Reports of the Supreme Court.

Also, passed, under suspension of the rules, and ordered transmitted without engrossment, Assembly Bill No. 613—An Act amending certain sections of the Political Code, relative to the assessment of property for taxation.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 269, above reported, Assembly substitute adopted.

Senate Bill No. 296, above reported, Assembly amendment concurred in, and bill referred to the Committee on Public Lands.

Senate Bill No. 394, above reported, Assembly amendments concurred in.

Assembly Bill No. 396, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 655, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 429, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 513, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 656, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 478, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 629, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 613, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 239, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 593, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 607, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 479, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 507, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 611, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly Bill No. 618, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 699, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 672, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 682, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 541, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 677, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 671, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 66, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 697, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 518, above reported, read first and second times, and referred to the Committee on Finance.

Assembly Bill No. 551, above reported, read first and second times, and referred to the Committee on Finance.

Assembly Bill No. 645, above reported, read first and second times, and referred to the Committee on Mines and Mining Interests.

Assembly Bill No. 642, above reported, read first and second times, and ordered on file.

Assembly Bill No. 700, above reported, read first and second times, and referred to the Committee on Claims.

Assembly Bill No. 638, above reported, read first and second times, rules suspended, and considered in Committee of the Whole.

In Senate, bill read third time, and passed.

Assembly Bill No. 254, above reported, read first and second times, rules suspended, and considered in Committee of the Whole.

In Senate, bill read third time, and passed.

On motion of Mr. Finney, the rules were suspended to take up Assembly Bill No. 708—An Act to incorporate the Town of San Mateo, to establish its boundaries, define its powers, and for other purposes.

Read third time, and passed.

Mr. Turner, for the Committee on Elections, verbally reported a resolution referred to that committee on yesterday, providing for paying Thomas Fraser his expenses in the contested election case of Gildea v.

Fraser, recommending its reference to the Committee on Contingent Expenses.

So referred.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Farley—An Act to amend section fifteen hundred and five of the Code of Civil Procedure of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Finney—An Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to the Town of San Luis Obispo; thence via Corral de Piedra and Nipoma Ranchos to Santa Maria, in the County of Santa Barbara.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Duffy—An Act to prevent hunting and shooting on private grounds in the County of Sacramento, in this State.

Read first and second times, rules suspended, and by unanimous consent read third time, and passed, and ordered transmitted to the Assembly without engrossment.

By Mr. Tuttle—An Act to appropriate funds for the relief of the several orphan asylums of this State.

Read first and second times, and referred to the Committee on Finance.

By Mr. Bush—An Act to authorize the Board of Supervisors of Los Angeles County to protect certain lands in El Monte Township against the overflow of San Gabriel River.

Read first and second times, rules suspended, and by unanimous consent read third time, passed, and ordered transmitted to the Assembly without engrossment.

By Mr. Pendegast—An Act to amend the Political Code.

Read first and second times, rules suspended, and by unanimous consent read third time, passed, and ordered transmitted to the Assembly without engrossment.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Beck offered a resolution providing for allowing William H. Mott pay for thirty days' services rendered the Committee on Engrossed Bills.

Referred to the Committee on Contingent Expenses.

#### GENERAL FILE.

Assembly Bill No. 172—An Act to provide a system of irrigation.

Pending the consideration of the bill, on motion of Mr. Edgerton, the special order set for eleven o'clock A. M., was postponed until Assembly Bill No. 172 was disposed of.

[Mr. Perkins in the chair.]

Amendments agreed to in the Committee of the Whole adopted.

Read third time.

On the passage of the bills, the ayes and noes were demanded by Messrs. Pendegast, Duffy, and Tuttle, and the Senate refused to pass the bill, by a vote as follows:

**AYES**—Messrs. Bush, Evans, Farley, Finney, Gibbons, Goodale, Hopkins, Keys, McCune, McKusick, Pendegast, and Roach—12.

**NOES**—Messrs. Andross, Bartlett, Beck, Boggs, Crane, DeHaven, Duffy, Dyer, Edgerton, Fraser, Garratt, Graves, Hendricks, Irwin, Kent, Laine, Lindsey, Martin, McCoy, McMurry, Neff, O'Connor, Oulton, Perkins, Spencer, Turner, and Tuttle—27.

Mr. Edgerton gave notice that, on to-morrow, he would move to reconsider the vote whereby the Senate refused to pass the bill.

#### BILL INTRODUCED.

Mr. Roach, by leave, introduced a bill as follows:

An Act to amend section two hundred and sixty-nine of the Code of Civil Procedure.

Read first and second times, and referred to the San Francisco delegation.

#### SPECIAL ORDER.

Assembly Bill No. 2—An Act to regulate fares and freights on the railroads in the State of California.

Mr. Irwin moved to lay the bill on the table, on which the ayes and noes were demanded by Messrs. Edgerton, DeHaven, and Martin, and the motion prevailed, by a vote as follows:

**AYES**—Messrs. Andross, Beck, Boggs, Bush, Duffy, Dyer, Eakin, Evans, Finney, Garratt, Graves, Hendricks, Hopkins, Irwin, Kent, Laine, McCoy, McCune, McKusick, McMurry, Pendegast, Perkins, Roach, and Tuttle—24.

**NOES**—Messrs. Bartlett, Crane, DeHaven, Edgerton, Farley, Goodale, Lindsey, Martin, Neff, O'Connor, Oulton, Spencer, and Turner—13.

Senate Bill No. 449—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State.

On motion of Mr. Pendegast, the further consideration of the bill was continued until two o'clock P. M.

At one o'clock P. M. the Senate took a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

[Mr. Perkins in the chair.]

#### REPORTS.

Mr. Tuttle submitted a report, as follows:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 472—An Act in relation to taxation of solvent debts other than those secured by mortgage or other liens.



Also, Senate Bill No. 426—An Act relating to the funds of Swamp Land District Number Eighteen.

Also, Senate Bill No. 499—An Act to amend section six hundred and fifty-six of the Political Code.

Also, Senate Bill No. 500—An Act directing the payment of the claim of George Durand, against Siskiyou County.

Also, Senate Bill No. 374—An Act relative to the publication of amendments to the Codes.

Also, Senate Bill No. 481—An Act to amend section one hundred and sixty-seven of the Civil Code.

TUTTLE, for Committee.

#### SPECIAL ORDER

For two o'clock P. M. was taken up: Senate Bill No. 435—An Act to provide for the payment of certain Controller's warrants.

Read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Tuttle, Goodale, and Lindsey, and it passed, by a vote as follows:

AYES—Messrs. Andross, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Garratt, Graves, Hendricks, Hopkins, Kent, Keys, Laine, Martin, McKusick, Neff, O'Connor, Oulton, Pende-gast, Perkins, Roach, Spencer, and Turner—28.

NOES—Messrs. Bartlett, Beck, Finney, Fraser, Goodale, Lindsey, and Tuttle—7.

Mr. Finney, by leave, introduced a bill as follows: An Act for the protection of game and fish in certain counties of this State.

Read first and second times, and referred to the Committee on Agriculture.

#### SPECIAL ORDER.

Senate Bill No. 449—resumed.

Amendments agreed to in the Committee of the Whole adopted.

[President in the chair.]

Amended.

Mr. Fraser offered to amend section eight, by adding thereto the following: "*provided*, that nothing in this Act shall be construed to allow any railroad company in this State to charge any more, for either freight or passengers, than the rates charged on such roads on the first day of January, eighteen hundred and seventy-four."

Lost.

By Mr. Martin—amend section three: "For all freights carried eastward on the Central Pacific Railroad, between the Town of Rocklin and the eastern line of the State, for each mile over such part of said road, one quarter more may be charged than the rates prescribed in this Act for such freight."

Lost.

Mr. Edgerton moved to lay the bill on the table with Assembly Bill No. 2, on which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven,

Dyer, Edgerton. Evans, Finney, Garratt, Gibbons, Goodale, Graves, Hopkins, Kent, Keys, Martin, McCoy, Oulton, and Pendegast—21.

NOES—Messrs. Eakin, Farley, Fraser, Hendricks, Irwin, Laine, Lindsey, McCune, McKusick, McMurry, Neff, O'Connor, Perkins, Roach, Turner, and Tuttle—16.

On motion of Mr. Pendegast, the special order set for two o'clock and thirty minutes P. M., to-day—Assembly Bill No. 242—was postponed until to-morrow, at ten o'clock and thirty minutes A. M.

Mr. Bartlett moved to reconsider the vote whereby Assembly Bill No. 412 was ordered printed.

Lost.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 24th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, amended and passed Senate Bill No. 100—An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the fees and salaries of officers, and defining their duties, in the County of El Dorado, and other matters relating thereto, approved March fifth, eighteen hundred and seventy, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, amended and passed Senate Bill No. 468—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Also, amended and passed Senate Bill No. 489—An Act to authorize the Board of Supervisors of Contra Costa County to levy a special tax.

Also, passed Senate Bill No. 275—An Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city.

Also, passed Senate Bill No. 341—An Act to amend an Act concerning roads and highways in the County of El Dorado, approved March fifteenth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 542—An Act relating to the assessment of non-residents and unimproved land in the State of California.

Also, passed Assembly Bill No. 588—An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto.

Also, passed Senate Bill No. 301—An Act to divide the County of Solano, and to erect within the present limits of said county a new county, to be known as Vallejo County.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 24th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following resolution:

*Resolved*, That the Senate be requested to return to the Assembly Senate Bill No. 491—An Act relating to the Town of Redwood—the same having been transmitted by mistake.

The Senate so ordered.

Also, on yesterday, passed Assembly Bill No. 690—An Act amendatory of an Act entitled an Act to prevent hunting and shooting on private grounds, and the destruction of growing timber on private grounds, in certain counties in this State, approved March eighth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 692—An Act to prevent the destruction of property from camp fires and firearms in the Counties of Monterey and San Benito.

Also, passed Assembly Bill No. 679—An Act to amend section twelve hundred and fifty-four, Title VII, of the Code of Civil Procedure.

Also, passed Assembly Bill No. 417—An Act to create the Twenty-first Judicial District.

Also, passed Assembly Bill No. 578—An Act to authorize the Board of Education of the City and County of San Francisco to lease a school lot in said city and county, and to authorize the issuance of school bonds for the purchase of sites and the erection of school buildings in said city and county.

Also, passed Assembly Bill No. 718—An Act relative to roads and highways in the County of Shasta.

Also, passed Assembly Bill No. 719—An Act to encourage the destruction of wild animals in the Counties of Monterey and San Benito, in this State.

Also, passed, on this day, Assembly Bill No. 729—An Act giving the consent of the Legislature to Whitman H. Hill, County Clerk of El Dorado County, in the State of California, to absent himself from said State for a period not exceeding ninety days—and ordered the same transmitted to the Senate without engrossment.

Also, amended and passed Senate Bill No. 467—An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 24th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 683—An Act for the relief of Joseph Legget, of the City and County of San Francisco.

Also, passed Assembly Bill No. 685—An Act to ratify and confirm certain orders and resolutions and acts of the Board of Supervisors of the City and County of San Francisco.

Also, passed Assembly Bill No. 701—An Act to add another section to the Penal Code.

Also, passed Assembly Bill No. 710—An Act to amend section five hundred and thirty-two of the Penal Code and to add a new section to said Code.

Also, passed Senate Bill No. 153—An Act for the relief of John Hoagland and others.

Also, on this day, adopted the report of Committee of Conference on Senate Bill No. 322—An Act to exempt firemen in Nevada and Siskiyou Counties from the payment of poll tax.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 467, above reported, Assembly amendment to the bill concurred in.

Senate Bill No. 100, above reported, Assembly amendment to the bill concurred in.

Senate Bill No. 468, above reported, Assembly amendment to the bill concurred in.

Senate Bill No. 489, above reported, Assembly amendment to the bill concurred in.

Assembly Bill No. 542, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 417, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 679, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 710, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 701, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 588, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 690, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly Bill No. 692, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly Bill No. 719, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly Bill No. 718, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 685, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 683, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 729, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 578, above reported, read first and second times, and referred to the delegation named in the bill.

On motion of Mr. Farley, Senate Bills Nos. 150, 165, and 214, were made special orders for to-morrow, at half-past two o'clock P. M.

Mr. Farley, by leave, introduced a bill as follows: An Act in relation to a special school tax in the Sutter Creek School District, Amador County.

Read first and second times, rules suspended, bill considered engrossed, and, by unanimous consent, read third time, passed, and ordered to the Assembly without engrossment.



## REPORT.

Mr. Spencer, by leave, submitted a report, as follows:

Mr. PRESIDENT: The Sutter delegation, to whom was referred Assembly Bill No. 647—An Act amendatory of an Act entitled an Act to provide for the protection of certain lands in Sutter County from overflow, approved March twenty-fifth, eighteen hundred and sixty-eight, and of an Act supplemental thereto, approved March thirtieth, eighteen hundred and seventy-two—have had the same under consideration, and beg to report it back and recommend its reference to the Committee on Swamp Land.

SPENCER, for Delegation.

At five o'clock and twenty minutes P. M., on motion of Mr. McKusick, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 25th, 1874. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Mr. Duffy moved to dispense with the reading of the Journal of yesterday.

So ordered.

## REPORTS.

Reports were submitted, as follows:

By Mr. Graves:

Mr. PRESIDENT: Your Committee on Federal Relations have had under consideration Senate Concurrent Resolution No. 61—asking Congress for moneys expended in taking care of sick and burying dead in the City of Sacramento during eighteen hundred and forty-nine and eighteen hundred and fifty—and report it back and recommend its indefinite postponement.

Also, Assembly Concurrent Resolution No. 1—requesting our delegation in Congress to procure the repeal of impost duty on burlaps and grain and wool sacks—and recommend that it do not pass, for the reason that a concurrent resolution has already passed covering the same matter.

Also, Assembly Concurrent Resolution No. 14—relative to coolie labor in this State—and report the same back, and recommend that it do not pass, for the reason that a concurrent resolution of like import has already passed and been forwarded to our delegation in Congress.

GRAVES, Chairman.

Mr. Boggs verbally reported, from the Committee on Counties and County Boundaries, Senate Bill No. 455—An Act to create the County of Orange, define its boundaries, and provide for its organization—recommending it do not pass.

On motion of Mr. O'Connor, the bill was indefinitely postponed.

By Mr. Roach:

Mr. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 654—concerning the State Harbor Commissioners, etc.—have considered the same and recommend its passage.

ROACH, Chairman.

By Mr. Lindsey:

Mr. PRESIDENT: The Fresno delegation, to whom was referred Assembly Bill No. 531—An Act to authorize the Board of Supervisors of Fresno County to issue bonds for building purposes—have had the same under consideration, and now report the bill back, and respectfully recommend its passage.

LINDSEY, for Delegation.

Rules suspended, and the bill taken up, read third time, and passed.

By Mr. McCune:

Mr. PRESIDENT: The Solano and Yolo delegation has had under consideration Assembly Bill No. 682—An Act to authorize the Trustees of the City of Benicia to purchase a lot of land for public purposes—and would report the bill back, and recommend its passage.

McCUNE, for Delegation.

Rules suspended, and the bill taken up, read third time, and passed.

By Mr. Eakin:

Mr. PRESIDENT: The Mono delegation, to whom was referred Assembly Bill No. 672—An Act fixing the compensation of the Assessor of the County of Mono—beg leave to return the same, and recommend its passage.

EAKIN, for Delegation.

Rules suspended, and the bill taken up, read third time, and passed.

By Mr. Gibbons:

Mr. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 340—An Act to provide funds for the City of Oakland—beg leave to report the same back, with amendments, and recommend the passage of the bill with the amendments.

GIBBONS, for Delegation.

Rules suspended, bill taken up, amendments adopted, read third time, and passed.

Mr. Hopkins verbally reported Assembly Bill No. 619—An Act to amend an Act entitled an Act to amend an Act restricting and herding of sheep to certain pastures in the Counties of Sonoma and Marin, ap-

proved April twentieth, eighteen hundred and fifty-seven, and the Act amendatory thereof, approved March fourteenth, eighteen hundred and seventy, and the Act amendatory thereof, approved April first, eighteen hundred and seventy-two.

Rules suspended, bill taken up, read third time, and passed.

Mr. McKusick verbally reported Senate Bill No. 296—An Act regulating the sale of mineral lands belonging to the State.

Assembly amendments to the bill concurred in.

By Mr. Perkins:

MR. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 475—An Act authorizing the State Board of Examiners to allow certain claims against the State—and respectfully report the bill back, with substitute, and recommend the passage of the substitute.

PERKINS, Chairman.

Also, reported Assembly Bill No. 700, requesting its reference to the Alameda delegation.

So referred.

Mr. Neff, for the delegation, verbally reported Assembly Bill No. 699—An Act consolidating the offices of Sheriff and Tax Collector in the County of Placer, and making the Sheriff ex officio Tax Collector.

Rules suspended, the bill taken up, read third time, and passed.

By Mr. Garratt:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 683—An Act for the relief of Joseph Legget, of the City and County of San Francisco—have had the same under consideration, and report the same back, and recommend its passage.

Also, Assembly Bill No. 522—An Act to repeal an Act entitled an Act in relation to the Board of Education of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and seventy-two; also, to confer power on the Board of Education of said city and county to pay any deficit in the School Board of eighteen hundred and seventy-two and eighteen hundred and seventy-three—and report the same back, and recommend its passage.

Also, Assembly Bill No. 578—An Act to authorize the Board of Education of the City and County of San Francisco to lease a school lot in said city and county, and to authorize the issuance of school bonds for the purchase of sites and erection of school buildings in said city and county—and report the same back amended, and recommend its passage as amended.

Also, Assembly Bill No. 648—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board—and report the same back amended, and recommend its passage as amended.

Also, Assembly Bill No. 616—An Act granting further powers to the Board of State Harbor Commissioners—and report the same back, and recommend its reference to the Committee on Commerce and Navigation.

Also, Assembly Bill No. 618—An Act to provide for the widening of Dupont street, in the City and County of San Francisco, and to take

private lands therefor—and report the same back amended, and recommend its passage as amended.

GARRATT, Chairman.

Rules suspended, and Assembly Bills Nos. 648, 522, and 578 taken up. Assembly Bill No. 648, amendments adopted, read third time, and passed.

Assembly Bill No. 522, read third time, and passed.

Assembly Bill No. 578, amendments adopted, read third time, and passed.

On motion of Mr. Oulton, the special order set for ten o'clock and thirty minutes A. M.—Assembly Bill No. 242—was postponed until after the order of "Reports of Committees" was passed.

#### REPORTS.

By Mr. Irwin:

Mr. PRESIDENT: The Committee on Finance would respectfully report that they have examined Assembly Bill No. 551—An Act to provide for the payment of an outstanding warrant drawn by the Auditor of the County of Yolo against the Swamp Land District Fund of District Number Eighteen—and have amended the same, and recommend its passage as amended.

Also, Assembly Bill No. 338—An Act to authorize the City of Santa Rosa to borrow money—and recommend the indefinite postponement of the same.

IRWIN, Chairman.

Rules suspended, Assembly Bill No. 338 taken up, and indefinitely postponed.

Mr. Edgerton, by leave, introduced a bill, as follows:

An Act to amend an Act entitled an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Read first and second times, rules suspended, considered engrossed, and, by unanimous consent, read third time, passed, and ordered transmitted to the Assembly without engrossment.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on the Judiciary have had under consideration Assembly Bill No. 507—An Act to amend certain sections of the Political Code, in relation to collection of poll taxes—and report the same back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Assembly Bill No. 283—An Act to amend sections two hundred and seventy and two hundred and seventy-one of, and to add sections two hundred and seventy-two, two hundred and seventy-three, two hundred and seventy-four to, the Code of Civil Procedure—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Assembly Bill No. 478—An Act to add a section, to be numbered section two hundred and ninety-seven, to an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hun-



dred and seventy-two—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 509—An Act to add another section to the Code of Civil Procedure—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 437—An Act to amend the Penal Code—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 438—An Act to amend the Political Code—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 439—An Act to amend the Civil Code—and report the same back, and recommend that it be indefinitely postponed.

Also, Substitute for Assembly Bill No. 15—An Act to amend section fifty of the Code of Civil Procedure—and report the same back without recommendation.

Also, Senate Bill No. 351—An Act to amend an Act entitled an Act to establish a Code of Civil Procedure—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 360—An Act to amend an Act entitled an Act to amend an Act entitled an Act to establish a Code of Civil Procedure—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 508—An Act levying a tax for State purposes for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof—and report the same back, and recommend its passage.

Also, Assembly Bill No. 710—An Act to amend section five hundred and thirty-two of the Penal Code, and to add a new section thereto—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Assembly Bill No. 679—An Act to amend section twelve hundred and fifty-four, Title VII, of the Code of Civil Procedure—and report the same back without recommendation.

Also, Senate Bill No. 457—An Act to amend an Act entitled an Act to amend sections three hundred and six and three hundred and seven of the Penal Code, approved March tenth, eighteen hundred and seventy-four—and report the same back, and recommend its passage.

Also, Assembly Bill No. 430—An Act to amend section thirty-six hundred and seventeen of the Political Code—and report the same back, and recommend its passage.

Also, Assembly Bill No. 712—An Act to ratify and confirm Order Number Eleven Hundred and Thirty-nine (1139) of the Board of Supervisors of the City and County of San Francisco—and report the same back, and recommend that it be referred to the San Francisco delegation.

Also, Senate Bill No. 510—An Act to add to the Penal Code a section punishing telegraphic corporations for making discrimination in their charges—and report the same back, and recommend its passage.

Also, Assembly Bill No. 658—An Act respecting actions against railroads and mining corporations, and stockholders therein, in Justices' Courts—and report the same back, and recommend its passage.

PENDEGAST, Chairman.

Rules suspended, and Senate Bill No. 508, above reported, taken up.

Mr. Oulton offered an amendment:

Amend sections fifteen and sixteen by striking out the word "Controller," and inserting in lieu thereof the words "Tax Collector."

On adopting the amendment, the ayes and noes were demanded by Messrs. Oulton, Pendegast, and Duffy, and the Senate refused, by a vote as follows:

AYES—Messrs. Andross, Bartlett, Farley, Finney, Garratt, Goodale, Hopkins, Kent, McCoy, Neff, Oulton, Perkins, and Roach—13.

NOES—Messrs. Bush, Crane, DeHaven, Dyer, Eakin, Edgerton, Evans, Fraser, Gibbons, Hendricks, Irwin, Keys, Laine, Lindsey, McCune, McKusick, McMurry, O'Connor, Pendegast, Spencer, Turner, and Tuttle—22.

Rules suspended, considered engrossed, and, by unanimous consent, read a third time, passed, and ordered transmitted to the Assembly without engrossment.

Senate Bills Nos. 437, 438, 360, 439, and 351, above reported, were taken up, under a suspension of the rules, and indefinitely postponed.

Mr. Roach, by leave, offered a resolution, as follows:

*Resolved*, That the San Francisco delegation be directed to return to the Senate, to-morrow morning, for its action, Substitute for Assembly Bill No. 595—An Act to authorize the City and County of San Francisco to provide and maintain public waterworks in said city and county, and to condemn and purchase private property for that purpose.

Adopted.

On motion of Mr. Gibbons, Assembly Bill No. 523 was taken from the file, and referred to the Committee on Education.

The rules were suspended, and Senate Concurrent Resolution No. 61 and Assembly Concurrent Resolutions Nos. 1 and 14, reported from the Committee on Federal Relations, to-day, were taken up, and indefinitely postponed.

[Mr. Tuttle in the chair.]

The rules were suspended, on motion of Mr. Duffy, to take up Senate Bill No. 510—An Act to add to the Penal Code a section punishing telegraphic corporations for making discriminations in their charges.

Amended, rules suspended, considered engrossed, read a third time, passed, and ordered to the Assembly without engrossment.

By Mr. Farley:

Mr. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 512—entitled an Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to the Town of San Luis Obispo; thence via Corral de Piedra and Nipoma Rancho, to Santa Maria, in the County of Santa Barbara—have had the same under consideration, and herewith report the bill back, and recommend its passage.

FARLEY, Chairman.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

By Mr. Pendegast:

*Resolved by the Senate, the Assembly concurring,* That under the direction of the Senate, the Enrolling Clerk of that body must correct an error in section three of Senate Bill No. 301, by striking out all after the words "Judicial District," in said section, and inserting the following: "The Counties of Solano, Vallejo, and Yolo shall be the Nineteenth Senatorial District. Solano shall elect one member of the Assembly, and jointly with Vallejo shall elect one Senator. Vallejo shall elect one member of the Assembly. Yolo shall elect one member of the Assembly, and jointly with Solano shall elect one Senator."

*Resolved,* That this resolution be transmitted to the Assembly at once.

Adopted.

By Mr. Irwin:

MR. PRESIDENT: The Committee of Free Conference, to whom was referred the disagreeing vote between the Senate and Assembly on Senate Bill No. 322—An Act to exempt firemen in Nevada and Siskiyou Counties from the payment of poll tax—have had the same under consideration, and now recommend that the Senate concur in the amendments made to said bill in the Assembly, and that Sonoma be included in the list of counties, the firemen in the incorporated towns and cities of which shall be exempt from the payment of poll tax.

IRWIN,  
DUFFY,  
TUTTLE,  
AMERMAN,  
FRANCK,  
HEALD.

Adopted.

By Mr. Fraser:

MR. PRESIDENT: The El Dorado delegation, to whom was referred Assembly Bill No. 729—An Act relative to granting leave of absence to Whitman H. Hill, County Clerk of El Dorado County—respectfully report the same back, and recommend the passage of the bill.

FRASER, for Delegation.

Rules suspended, bill taken up, read third time, and passed.

Mr. Edgerton verbally reported Assembly Bill No. 499—An Act concerning the salary of Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento—recommending its passage.

Rules suspended, read third time, and passed.

By Mr. Hendricks:

MR. PRESIDENT: The Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 645—An Act for the protection of coal mines and coal miners—report that as the lives of the laborers in these mines are of more importance than the saving of a few dollars to the owners, and as it should not be the duty of each individual employé to look out for the general safety, health, and comfort of the mine,



but that it should be, by law, made the duty of the mine owners to do the same, therefore recommend, unanimously, that the same do pass.

HENDRICKS, Chairman.

Rules suspended, read third time, and passed.

Mr. McKusick verbally reported Assembly Bill No. 541.

Referred to the Committee on Claims.

Also, Assembly Bill No. 66, without recommendation.

By Mr. Beck:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 506—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

Also, Senate Bill No. 238—An Act to amend section fourteen hundred and ninety-three of the Code of Civil Procedure.

Also, Senate Bill No. 505—An Act to preserve the geological survey.

BECK, for Committee.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on the Judiciary have had under consideration Assembly Bill No. 239—An Act to provide for the sale of the Codes, Statutes Continued in Force, and Reports of the Supreme Court—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 656—An Act to confer additional power on municipal authorities in incorporated cities and towns in this State—and report the same back, and recommend its passage.

Also, Assembly Bill No. 513—An Act to amend section thirty-eight hundred and sixty-six of the Political Code—and report the same back, and recommend its passage.

Also, Assembly Bill No. 629—An Act to amend section thirteen hundred and twenty-nine of the Penal Code—and report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 479—An Act to amend section thirty-eight hundred and sixty of the Political Code—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 607—An Act providing for the removal of civil officers for a violation of official duties—and report the same back, and recommend its passage.

Also, Assembly Bill No. 542—An Act relating to the assessment of non-residents and unimproved land in the State of California—and report the same back, and recommend that it be indefinitely postponed, for the reason that it is in direct conflict with the Constitution of the State.

Also, Assembly Bill No. 701—An Act to add another section to the Penal Code—and report the same back, and recommend its passage.

Also, Assembly Bill No. 449—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 474—An Act to amend section twelve hundred and sixty-one of the Civil Code of California—and report the same back, and recommend that it do not pass.



Also, Senate Bill No. 504—An Act to fix the fees and remuneration of Justices of the Peace, in the County of Los Angeles, for services in criminal proceedings—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 109—An Act to provide for the commitment of insane defendants in criminal actions to the Insane Asylum, and for their confinement therein—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 477—An Act to protect parties in making contracts of fire insurance—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 373—An Act to exempt from execution water rights used for irrigating homesteads—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 382—An Act to amend section thirty-three hundred and eighty-one of the Political Code of the State of California—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 291—An Act to amend section thirty-six hundred and seven, and to add a new section, to be known as section thirty-six hundred and eight, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—and report the same back, and recommend that it do not pass, for the reason that it has been already provided for in the amendments to the Codes.

Also, Senate Bill No. 429—An Act to prohibit the sale of intoxicating drinks to certain persons, and for other purposes—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 121—An Act to amend sections three thousand six hundred and seventy-four, three thousand six hundred and seventy-five, and three thousand six hundred and seventy-six of the Political Code—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 122—An Act to amend sections four thousand and seventy-three and four thousand and seventy-four of the Political Code—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 113—An Act to amend sections twelve hundred and forty-eight and twelve hundred and fifty-one, and to repeal section twelve hundred and fifty-four of the Code of Civil Procedure—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 367—An Act to amend an Act known as the Code of Civil Procedure—and report the same back, and recommend its passage.

Also, Senate Bill No. 392—An Act to amend section thirteen hundred and four of the Code of Civil Procedure of the State of California—and report the same back, and recommend its passage.

Also, Senate Bill No. 176—An Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and forty-nine, and to repeal sections three thousand seven hundred and forty-seven, three thousand seven hundred and forty-eight of the Political Code of the State of California—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 5—An Act to amend the Code of Civil Procedure respecting exemptions of property from execution—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 160—An Act to exempt certain persons from jury duty—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 36—An Act to amend section two hundred and

nineteen of the Code of Civil Procedure—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 117—An Act to amend section three hundred and ninety-three of the Code of Civil Procedure—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 201—An Act to amend sections eight hundred and thirty-two, eight hundred and forty-nine, eight hundred and sixty-eight, eight hundred and ninety, eight hundred and ninety-two, eight hundred and ninety-five, and nine hundred and two, and to repeal section eight hundred and forty-eight, of the Code of Civil Procedure—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 85—An Act to add to the Code of Civil Procedure a section, to be numbered two thousand and fifty-five, providing an additional test of the competency of witnesses—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 295—An Act to amend sections eight hundred and thirty-two, eight hundred and forty-five, eight hundred and forty-nine, eight hundred and ninety two, eight hundred and ninety-five, and nine hundred and seventy-four, and to repeal section eight hundred and forty-eight of the Code of Civil Procedure—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 257—An Act to provide a remedy in certain cases—and report the same back, and recommend that it do not pass.

PENDEGAST, Chairman.

Assembly Bills Nos. 239, 479, 542, 629, and 449; also, Senate Bills Nos. 382, 113, 367, 121, 291, 477, 109, 86, 257, 295, 504, 429, 85, 201, 5, 160, 176, 117, 122, 373, and 474—above reported, were taken up, and indefinitely postponed.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled, Senate Bill No. 471—An Act relating to officers and fees of office in San Diego, San Bernardino, and Los Angeles Counties;

Also, Senate Bill No. 394—An Act to provide for the payment of certain road indebtedness of Tuolumne County;

Also, Senate Bill No. 269—An Act fixing the salaries of certain officers in San Luis Obispo County;

Also, Senate Bill No. 407—An Act for the protection of buoys and beacons;

Also, Senate Bill No. 498—An Act for the relief of Henry Meyers;

Also, Senate Bill No. 380—An Act to aid in the improvement of the lands of the State Agricultural Society;

Also, Senate Bill No. 349—An Act to authorize the Controller of State to issue duplicate warrants;

Also, Senate Bill No. 417—An Act to abolish the office of Architect of the State Capitol building;

Also, Senate Bill No. 363—An Act concerning submarine sites for lighthouses and other aids to navigation on the coast of this State;

Also, Senate Bill No. 379—An Act to amend section three hundred and ninety-seven of the Penal Code;

And have presented the same to the Governor for his approval, this day, at ten o'clock and fifteen minutes A. M.

Also, at the same time, delivered to the Governor, Senate Concurrent Resolution No. 54—in behalf of Charles M. Blake, late Chaplain of the United States Army.

McMURRY, Chairman.

Mr. Irwin moved that the special order, Assembly Bill No. 242, set for ten o'clock and thirty minutes, be postponed until the regular order of business was finished.

Carried.

By Mr. Finney:

Mr. PRESIDENT: Your Committee on Agriculture respectfully report that they have considered Senate Bill No. 518, and recommend its passage.

Also, Assembly Bill No. 690, and recommend its passage.

Also, Assembly Bill No. 692, and recommend its passage.

FINNEY, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, ——— ———, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 430—An Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 479—An Act to amend an Act entitled an Act to declare navigable the Arroyo de San Antonio, or Keys Creek, Marin County, approved March twenty-eighth, eighteen hundred and sixty.

Also, Senate Bill No. 89—An Act to amend certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, concerning the publication of the Reports of the Supreme Court of the State of California.

Also, Senate Bill No. 225—An Act to amend the Code of Civil Procedure.

Also, Senate Bill No. 353—An Act to amend section four thousand and one of the Political Code.

Also, Senate Bill No. 375—An Act for the relief of David C. Norcross, Sheriff of San Luis Obispo.

Also, Senate Bill No. 233—An Act supplemental to an Act entitled an Act supplemental to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five, approved April fourth, eighteen hundred and seventy.

NEWTON BOOTH,  
Governor.



## ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 25th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed, under suspension of the rules, and ordered transmitted without engrossment, Assembly Bill No. 641—An Act to add another section to the Penal Code.

Also, Assembly Bill No. 734—An Act supplemental to an Act entitled an Act to provide for the construction of certain wagon roads in the County of Humboldt, approved February twenty-eighth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 737—An Act to amend an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma, approved March sixteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 738—An Act granting leave of absence to the County Treasurer of Butte County.

Also, Assembly Bill No. 600—An Act to amend section thirty-five hundred and eighty-four of the Political Code.

Also, passed, under suspension of the rules, Senate Bill No. 472—An Act in relation to taxation of solvent debts other than those secured by mortgages or other liens.

Also, Senate Bill No. 497—An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Shasta.

Also, Senate Bill No. 516—An Act to authorize the Board of Supervisors of Los Angeles County to protect certain lands in El Monte Township against the overflow of San Gabriel River.

Also, passed Senate Bill No. 390—An Act to abolish attorneys' fees and other charges in savings banks.

Also, amended and passed Senate Bill No. 450—An Act to amend the Penal Code concerning the examination of persons accused of crime before committing magistrates.

Also, passed Senate Bill No. 491—An Act to amend and revise an Act entitled an Act to incorporate the Town of Redwood, approved March twenty-seventh, eighteen hundred and sixty-eight, and the several Acts amendatory and supplementary thereto, and for other purposes.

Also, passed Senate Bill No. 413—An Act for the relief of M. B. Pond.

Also, on this day, passed Senate Bill No. 264—An Act relating to mutual beneficial and relief associations.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 25th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 507—An Act to annex the territory, comprised in the present County of Klamath, to the Counties of Humboldt and Siskiyou.

Also, passed Senate Bill No. 500—An Act directing the payment of the claims of George Durand against Siskiyou County.



Also, amended and passed Senate Bill No. 484—An Act relating to streets and roads in the City and County of Sacramento.

Also, refused to pass Senate Bill No. 513—An Act to prevent shooting on private grounds in the County of Sacramento.

Also, passed Senate Bill No. 478—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals in the County of Colusa, approved March twenty-eighth, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 456—An Act to legalize certain conveyances, leases, and other instruments in writing, affecting real estate in Colusa County.

Also, adopted Assembly Concurrent Resolution No. 58—relative to liability of Central Pacific Railroad Company to convey State messengers free of charge.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 600, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 641, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 738, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 737, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 734, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill No. 450, above reported, referred to the Judiciary Committee.

Senate Bill No. 484, above reported, Assembly amendments concurred in.

Assembly Concurrent Resolution No. 58, above reported, read first and second times, and referred to the Judiciary Committee.

Mr. Pendegast verbally reported Assembly Bill No. 674—An Act to repeal an Act entitled an Act relating to public roads in Lake County, approved March thirty-first, eighteen hundred and sixty-six.

Rules suspended, read third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Perkins—An Act to fix the salaries and compensation of certain officers in Butte County.

Read first and second times, rules suspended, considered engrossed, by unanimous consent read third time, passed, and ordered to the Assembly without engrossment.

By Mr. Irwin—An Act supplemental to an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to regulate fees of officers in Siskiyou County, approved March twelfth, eighteen hundred and seventy, approved February twenty-seventh, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed,

by unanimous consent read third time, passed, and ordered to the Assembly without engrossment.

By Mr. Laine—An Act to aid the establishment of a law library in the City of San José.

Read first and second times, rules suspended, considered engrossed, by unanimous consent read third time, passed, and ordered to the Assembly without engrossment.

By Mr. Bush—An Act to add an additional section to the Political Code, and amend sections two thousand nine hundred and ninety-three, two thousand nine hundred and ninety-four, three thousand and seventy-six, three thousand and seventy-nine, three thousand and eighty-one, and three thousand and eighty-two thereof.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Garratt—An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the damages awarded to certain owners of property in the matter of opening of Second street (commonly known as the Second street Cut.)

Read first and second times, rules suspended, considered engrossed, and by unanimous consent read third time, passed, and ordered to the Assembly without engrossment.

By Mr. Evans—An Act to authorize the Board of Supervisors of San Joaquin County to audit a certain claim.

Read first and second times, and referred to the delegation.

By Mr. Garratt—An Act to amend section sixteen hundred and eight of the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act to authorize the opening of streets in the City and County of San Francisco, and the taking of private lands therefor.

Read first and second times, and referred to the San Francisco delegation.

Mr. Irwin moved to suspend the rules, to take up Senate Bill No. 449, and that the bill be made a special order for half-past ten o'clock A. M., to-morrow.

Carried.

Mr. Edgerton made the same motion in reference to Assembly Bill No. 2.

So ordered, and the two bills were made a special order for the same day and hour.

On motion of Mr. Evans, special order, Assembly Bill No. 242, was postponed until two o'clock P. M.

Mr. Duffy, by leave, offered a resolution requesting the Committee on Contingent Expenses to ascertain and report the expenses incurred by Charles Gildea in the contested election of Gildea v. Fraser.

Adopted.

Mr. Pendegast offered a resolution providing that the Senate Postmaster remain at the State Capitol two weeks after the close of the session, for the purpose of remailing letters and newspapers to Senators.

Referred to Committee on Contingent Expenses.

At one o'clock P. M. the Senate took a recess.

#### REASSEMBLED.

At two o'clock P. M., the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

## REPORTS.

Mr. Andross submitted reports, as follows:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 50—An Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa;

Also, Senate Bill No. 495—An Act in relation to the county officers of Santa Clara County, their fees and salaries;

Also, Senate Bill No. 346—An Act to provide for the erection of county buildings in the County of Alameda, and for the issuance of bonds therefor;

Also, Senate Bill No. 440—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Merced;

Also, Senate Bill No. 315—An Act to quiet the title to certain salt marsh and tide lands in Contra Costa County;

Also, Senate Bill No. 442—An Act to authorize and empower the Board of Supervisors of the County of Trinity to fix the rates of tolls on certain wagon roads;

Also, Senate Bill No. 409—An Act supplemental to and amendatory of an Act entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant, approved February seventeenth, eighteen hundred and seventy-four;

Also, Senate Bill No. 352—An Act to authorize the State Controller to issue a duplicate warrant;

Also, Senate Bill No. 415—An Act providing for the ascertainment and settlement of the claim, if any he has, of John Domingos, for services performed on and material furnished in the construction, improvement, and repair of the Sacramento Drainage Canal;

Also, Senate Bill No. 466—An Act to amend the special school law of the City of Los Angeles;

Also, Senate Bill No. 447—An Act supplementary to and amendatory of an Act entitled an Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four;

Also, Senate Bill No. 89—An Act to amend certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, concerning the publication of Reports of the Supreme Court of the State of California;

Also, Senate Bill No. 384—An Act authorizing the Trustees of Santa Barbara School District, of the County of Santa Barbara, to issue bonds of said district for school purposes;

Also, Senate Bill No. 479—An Act to amend an Act entitled an Act to declare navigable Arroyo de San Antonio or Keys Creek, Marin County, approved March twenty-eighth, eighteen hundred and seventy;

Also, Senate Bill No. 445—An Act to establish and define the powers and duties of the Board of Education of Nevada School District, in the County of Nevada, the said district including Nevada City;

Also, Senate Bill No. 99—An Act to appropriate money to complete the State Normal School building, and for the improving of the grounds;

And presented the same to the Governor, for his approval, this day, at twelve o'clock and twenty minutes P. M.



And at the same time, delivered to the Governor Senate Joint Resolution No. 31—relative to the appointment of a Commission to ascertain and report the amount of property destroyed by Captain Jack's band of Modocs, and to whom it belonged.

ANDROSS, for Committee.

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 253—An Act for the relief of Catherine T. Connolly—and have presented the same to the Governor, for his approval, this day, at four o'clock and thirty minutes P. M.

ANDROSS, for Committee.

On motion of Mr. O'Connor, the rules were suspended to take from the file Senate Bill No. 393—An Act for the better protection of the stockholders in corporations, formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining.

Read third time, and passed.

On motion of Mr. Tuttle, the rules were suspended to take up Senate Bill No. 492—An Act to add two sections to the Political Code.

Rules suspended, considered engrossed, and, by unanimous consent, read third time, and passed, and ordered to the Assembly without engrossment.

[Mr. Tuttle in the chair.]

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 25th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 741—An Act to legalize and confirm the levy, equalization, assessment roll, publication, and sale of real estate for non-payment of taxes.

Also, Assembly Bill No. 742—An Act to authorize the Trustees of the Town of Hollister to build a school house, to issue bonds therefor, and to provide for the payment of the same.

Also, Assembly Bill No. 743—An Act to permanently locate the county seat of Fresno County.

Also, Assembly Bill No. 744—An Act supplementary to an Act to establish a Paid Fire Department of the City of Sacramento, approved April first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 745—An Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges over the River Santa Anna, and to issue bonds for the payment of the same.

Also, Assembly Bill No. 746—An Act to authorize the Supervisors of Santa Clara County to exempt firemen from payment of poll taxes, for county purposes.

Also, Assembly Bill No. 748—An Act supplementary to an Act entitled an Act to provide for the construction of a common wagon road from



Healdsburg, in Mendocino Township, in Sonoma County, to Pine Flat, in said county, approved March eleventh, eighteen hundred and seventy-four.

Also, Assembly Bill No. 749—An Act to prevent hogs from running at large in the Towns of Red Bluff and Tehama.

Also, Assembly Bill No. 750—An Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees of office.

Also, adopted Assembly Concurrent Resolution No. 60—requesting Professor Whitney to return to California all specimens collected by him.

Also, on this day, passed Senate Bill No. 290—An Act to amend section one hundred and ninety of the Penal Code.

Also, passed Senate Bill No. 434—An Act to amend sections six hundred and sixteen and six hundred and seventeen of the Political Code.

Also, concurred in Senate amendments to Assembly Bill No. 648.

Also, on the twenty-third instant, passed Assembly Bill No. 610—An Act prescribing the fees of Coroners and Elisors, and their mode of payment.

Also, passed Assembly Bill No. 680—An Act making Senate Bill No. 127—to promote irrigation in Los Angeles County—supplemental to Assembly Bill No. 172—to provide a system of irrigation—so far as relates to the County of Los Angeles.

Also, passed Assembly Bill No. 693—An Act to authorize the City of Los Angeles to issue bonds in payment of certain indebtedness.

Also, passed Assembly Bill No. 702—An Act to provide for the collection of district school taxes in Townsend and May School Districts, in Murray Township, in the County of Alameda.

Also, passed Assembly Bill No. 705—An Act authorizing the City of Oakland to issue and sell bonds of the City of Oakland, and with the proceeds thereof to pay and cancel certain other bonds of said city.

Also, passed Assembly Bill No. 706—An Act amendatory of an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-one, approved April fourth, eighteen hundred and seventy.

Also, passed Assembly Bill No. 634—An Act to extend the time in which Swamp Land District Number One Hundred and Sixteen shall complete its work of reclamation.

Also, passed Assembly Bill No. 691—An Act to provide for the preservation of the material of the Geological Survey of the State of California.

Also, passed Assembly Bill No. 664—An Act to amend section two thousand seven hundred and twenty-five of the Political Code.

Also, passed Assembly Bill No. 589—An Act to amend section four thousand and twenty-seven of the Political Code.

Also, passed Assembly Bill No. 576—An Act to amend sections one thousand and twenty-eight, four thousand three hundred and thirty-three, and two thousand two hundred and twenty-one of the Political Code.

Also, on the twenty-fourth instant, passed Assembly Bill No. 694—An Act abolishing the City Hall Commission of the City and County of San Francisco, and providing for the construction of the building.

Also, passed Assembly Bill No. 716—An Act to confer additional powers on the Board of Supervisors of the County of San Joaquin.

Also, on this twenty-fifth instant, passed Senate Bill No. 519—An Act relating to a special school tax in the Sutter Creek School District.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,                    }  
March 25th, 1874.                    }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following resolution:

*Resolved*, That the Senate be requested to return, temporarily, Senate Bill No. 301, for the purpose of examining the same in relation to Senate Concurrent Resolution No. 62.

WEBBER, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 743, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 744, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 706, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 705, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 702, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 694, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 716, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 750, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 749, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 748, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 747, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 643, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 693, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 691, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 745, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 680, above reported, read first and second times, rules suspended, bill taken up, and indefinitely postponed.

Assembly Bill No. 741, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 589, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 576, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 610, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 664, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 746, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Concurrent Resolution No. 60, above reported, concurred in.

Senate Bill No. 434, above reported, Assembly amendments concurred in.

#### RESOLUTION.

Mr. Pendegast offered a resolution, as follows:

*Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be instructed to correct an error in section three of Senate Bill No. 301, by inserting the word "nineteenth" in lieu of the word "seventeenth," in said section.*

*Resolved, That this resolution be transmitted immediately.*

Adopted.

#### SPECIAL ORDER, TWO O'CLOCK P. M.

Assembly Bill No. 242.

Mr. Oulton moved to postpone the special order until eight o'clock this evening.

Carried.

Mr. Finney, by leave, introduced a bill, as follows:

An Act to enable the City of Oakland to provide necessary school accommodations for recently annexed eastern and northern districts.

Read first and second times, and referred to the Committee on Education.

#### SPECIAL ORDER, HALF-PAST TWO O'CLOCK P. M.

Substitute for Senate Bills Nos. 150 and 214—An Act to create a Board of Transportation Commissioners, and to prevent extortion and discrimination in fares and freights on railroads within this State.

Considered in Committee of the Whole.

In Senate, on motion of Mr. Edgerton, the bill was made special order for to-morrow, at half-past ten o'clock A. M.

Mr. Duffy verbally reported Assembly Bill No. 686—An Act to amend an Act entitled an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, passed March twenty-third, eighteen hundred and seventy-two—recommending its passage.

Rules suspended, read third time, and passed.

Mr. McKusick reported, without recommendation, Senate Bill No. 460—An Act to continue and complete the investigation into the alleged frauds in the various land departments of the State of California, and of the United States within the State of California.

Rules suspended, and the bill taken up, and amendment agreed to in the Committee of the Whole adopted.

Mr. Oulton moved to indefinitely postpone the bill.



On which the ayes and noes were demanded by Messrs. Goodale, Finney, and McCune, and the motion prevailed, by a vote as follows:

AYES—Messrs. Andross, Beck, Boggs, Bush, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Garratt, Gibbons, Hendricks, Hopkins, Kent, Keys, Laine, Martin, McCune, McKusick, Neff, Oulton, Pendegast, and Perkins—24.

NOES—Messrs. Bartlett, Crane, DeHaven, Finney, Fraser, Goodale, Irwin, Lindsey, McCoy, McMurry, O'Connor, Roach, Spencer, Turner, and Tuttle—15.

Mr. Edgerton gave notice of a motion to reconsider the vote whereby the Senate refused to pass the bill.

At five o'clock and thirty minutes P. M., on motion of Mr. Evans, the Senate took a recess until half past seven o'clock P. M.

#### EVENING SESSION.

At seven o'clock and thirty minutes P. M., the Senate reassembled. President pro tem. in the chair.  
Roll called, and a quorum present.

#### SPECIAL FILE.

Assembly Bill No. 653—An Act supplemental to an Act entitled an Act to regulate the fees of office, and to fix the compensation of the officers, in the County of Sacramento, approved February twenty-eighth, eighteen hundred and seventy-four.

Read third time, and passed.

Senate Bill No. 388—An Act to create a swamp land district, to be known as Lake District Number One, of Sacramento County.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed, and ordered to the Assembly without engrossment.

Senate Bill No. 307—An Act to amend the Political Code, in reference to the boundaries of Alameda County.

Amendment adopted.

Mr. Gibbons moved to suspend the rules, and to place the bill on its final passage; on which the ayes and noes were demanded by Messrs. Oulton, Gibbons, and Bartlett, and the Senate refused, by the following vote—two thirds failing to vote in the affirmative:

AYES—Messrs. Boggs, Bush, Duffy, Dyer, Eakin, Edgerton, Evans, Fraser, Gibbons, Goodale, Hendricks, Hopkins, Kent, Laine, Lindsey, Martin, McCune, McMurry, O'Connor, Pendegast, Spencer, and Turner—22.

NOES—Messrs. Bartlett, Finney, Garratt, Irwin, Keys, McCoy, McKusick, Neff, Oulton, Perkins, Roach, and Tuttle—12.

Ordered engrossed.

On motion of Mr. Edgerton, the rules were suspended, and Senate Bill No. 328 taken from the General File and ordered to the head of the Special File for to-morrow.

Assembly Bill No. 604—An Act regulating the fees of witnesses in criminal cases in Stanislaus and Merced Counties.

Read third time, and passed.



Assembly Bill No. 627—An Act to make the bridge across the stone road crossing, in Sutter County, a free bridge, and for said county to own and control the same.

Read third time, and passed.

Assembly Bill No. 670—An Act to authorize the Methodist Episcopal Church of the Town of Rohnerville, in the County of Humboldt, to reduce the number of Trustees.

Read third time, and passed.

Assembly Bill No. 617—An Act to protect agriculture in the County of San Joaquin.

Indefinitely postponed.

[Mr. Perkins in the chair.]

#### SPECIAL ORDER, EIGHT O'CLOCK P. M.

Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years.

Amendments agreed to in the Committee of the Whole adopted.

Amended.

Mr. Evans offered an amendment, as follows: "For the payment of armory rents and other expenses of the National Guard, as provided by law, sixty thousand dollars."

Mr. McKusick offered an amendment to the amendment, to strike out "sixty thousand" and insert "thirty thousand."

Lost.

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Evans, Duffy, and Kent, and the Senate refused, by a vote as follows:

AYES—Messrs. Bartlett, Crane, Duffy, Dyer, Evans, Fraser, Garratt, Gibbons, Graves, Hopkins, Kent, Keys, McCoy, Neff, Perkins, and Roach—16.

NOES—Messrs. Boggs, Bush, Eakin, Farley, Goodale, Hendricks, Irwin, Laine, Lindsey, Martin, McCune, McKusick, O'Connor, Pendegast, Spencer, Turner, and Tuttle—17.

Read third time, and passed.

#### REPORTS.

Reports were submitted, as follows:

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 307.

NEFF, Chairman.

By Mr. Graves:

MR. PRESIDENT: The delegation from Santa Barbara and Ventura Counties, to whom was referred Assembly Bill No. 676—An Act to enforce payment of delinquent taxes due in the district of Santa Barbara now constituting Ventura County—report the same back, and recommend its passage.

GRAVES, for Delegation.

Rules suspended, bill taken up, read third time, and passed.

By Mr. Hendricks:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 489—An Act to authorize the Board of Supervisors of Contra Costa County to levy a special tax;

Also, Senate Bill No. 473—An Act to fix the salary of the County Recorder of the County of Placer;

Also, Senate Bill No. 158—An Act for the relief of John Hoagland and others;

Also, Senate Bill No. 467—An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight;

Also, Senate Bill No. 341—An Act to amend an Act concerning roads and highways in the County of El Dorado, approved March fifteenth, eighteen hundred and seventy-two;

Also, Senate Bill No. 468—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four;

Also, Senate Bill No. 178—An Act to provide for the proper distribution in the several County Treasuries of funds arising from the sale of swamp lands;

Also, Senate Bill No. 402—An Act to reincorporate the City of San Diego;

Also, Senate Bill No. 494—An Act to authorize Chico School District to issue bonds for building purposes;

And have presented the same to the Governor, for his approval, this day, at eight o'clock P. M.

Also, at the same time, delivered to the Governor Senate Joint Resolution No. 6—to cheapen telegraph communication.

Also, Senate Joint Resolution No. 50—concerning the improvement of the harbor of Oakland.

McMURRY, Chairman.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 25th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused to concur in Senate amendments to Assembly Bill No. 578—An Act to authorize the Board of Education of the City and County of San Francisco to lease a school lot in said city and county, and to authorize the issuance of school bonds for the purchase of sites and the erection of school buildings in said city and county.

Also, on this day, adopted the report of the Committee of Conference on Senate Bill No. 237—An Act to amend an Act entitled an Act concerning roads and highways, in the County of Sonoma, approved March twenty-third, eighteen hundred and seventy-two.

Also, herewith return Senate Concurrent Resolution No. 62, the same having been ruled out of order.

Also, on the twenty-fourth instant, passed Assembly Bill No. 388—An Act to quiet title to certain lands in the Counties of Yolo and Colusa, in the State of California.

Also, passed Assembly Bill No. 735—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Also, passed Assembly Bill No. 736—An Act to change the name of the Town of New Republic to that of Santa Rita.

Also, passed Assembly Bill No. 698—An Act to regulate the salary of the District Judge of the Third Judicial District.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 25th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 308—An Act to amend sections eight hundred and forty-five and eight hundred and forty-nine of an Act entitled an Act to establish a Code of Civil Procedure.

Also, passed Senate Bill No. 398—An Act to add a section to the Political Code, providing official custody of bonds of County Clerks.

Also, passed Senate Bill No. 401—An Act recommending to the electors of the State to vote for or against a Convention to revise the Constitution of the State.

Also, amended and passed Senate Bill No. 146—An Act relative to apprentices and masters.

Also, passed Senate Bill No. 459—An Act to amend section five hundred and fourteen of the Civil Code.

Also, passed Senate Bill No. 156—proposed amendment to section twenty-one, of Article XI, of the Constitution of this State.

Also, amended and passed Senate Bill No. 108—An Act to amend the Penal Code.

Also, amended and passed Senate Bill No. 183—An Act to remove from Henry Meiggs certain legal disabilities.

Also, indefinitely postponed Senate Bill No. 362—An Act to amend section three hundred and thirty-nine of the Code of Civil Procedure.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 25th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under suspension of the rules, Senate Bill No. 522—An Act supplemental to an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to regulate fees of office and salaries of officers in Siskiyou County.

Also, Senate Bill No. 521—An Act to fix the salaries and compensation of certain officers of Butte County.

Also, Senate Bill No. 523—An Act to aid the establishment of a law library in the City of San José.

Also, amended and passed Senate Concurrent Resolution No. 60—recommending certain persons to the Governor for pardon.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 25th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed and ordered transmitted without engrossment, Assembly Bill No. 754—An Act amendatory of and supplemental to an Act entitled an Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same, approved March thirteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 755—An Act to amend the Political Code.

Also, Assembly Bill No. 756—An Act to amend an Act entitled an Act to prescribe the duties and provide the salaries of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four.

Also, on yesterday, passed Senate Bill No. 87—An Act to provide for the erection and maintenance of a branch prison near the Town of Folsom.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 25th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, this day, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 751—An Act in relation to the government of the County of Sacramento.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 578, above reported, referred to the delegation.

Senate Concurrent Resolution No. 60, above reported, Assembly amendment concurred in.

Senate Bill No. 146, above reported, Assembly amendments concurred in.

Senate Bill No. 108, above reported, Assembly amendments concurred in.

Senate Bill No. 237, above reported, referred to the delegation.

Assembly Bill No. 754, above reported, read first and second times, and referred to the delegation named in the bill.



Assembly Bill No. 388, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 751, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 756, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 755, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 698, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 735, above reported, read first and second times, and referred to the Committee on Agriculture.

Assembly Bill No. 736, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

Mr. Laine, by leave, introduced a bill, as follows:

An Act to repeal an Act to authorize the City of San José to issue bonds to provide sewerage for said city, approved March fourteenth, eighteen hundred and seventy-two.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

At eleven o'clock and forty-five minutes P. M., on motion of Mr. O'Connor, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Thursday, March 26th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

During the reading of the Journal, on motion of Mr. Oulton, further reading of the same was dispensed with.

## REPORTS.

Mr. Garratt verbally reported Assembly Bill No. 578—An Act to authorize the Board of Education of the City and County of San Francisco to lease a school lot in said city and county, and to authorize the issuance of school bonds for the purchase of sites and the erection of school buildings in said City and County of San Francisco.

Senate receded from section two of the bill, and adhered to the other amendments.

The Chair was authorized to appoint a Committee of Conference, and Messrs. Oulton, Laine, and O'Connor were appointed as such committee.

By Mr. Lindsey:

MR. PRESIDENT: Your committee to whom was referred Assembly Bill No. 634—An Act to extend the time in which Swamp Land District Number One Hundred and Sixteen shall complete its works of reclama-

tion—have had the same under consideration, and now report the bill back, and respectfully recommend its passage.

LINDSEY, for Committee.

Rules suspended, bill taken up, read third time, and passed.

By Mr. Neff:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 483—An Act to regulate fees of office and salaries of certain officers in the County of Colusa, and to repeal all Acts now in force in relation thereto.

Also, Senate Bill No. 530—An Act to repeal an Act entitled an Act to authorize the City of San José to issue bonds to provide sewerage for said city.

NEFF, Chairman.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on the Judiciary have had under consideration Senate Bill No. 511—An Act to amend section fifteen hundred and five of the Code of Civil Procedure—and report the same back, and recommend its passage.

Also, Assembly Bill No. 613—An Act amending certain sections of the Political Code, relative to the assessment of property for taxation—and report the same back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

PENDEGAST, Chairman.

Mr. PRESIDENT: The Judiciary Committee, to whom was referred Assembly Bill No. 593—An Act to authorize the Mutual Life Insurance Company of New York to invest money in real and personal estate within the limits of California—report the same back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

PENDEGAST, Chairman.

Assembly Bill No. 593, above reported, rules suspended, taken up, amendments adopted, read third time, and passed.

Senate Bill No. 511, above reported, rules suspended, the bill taken up, rules further suspended, considered engrossed, read third time, and passed, and ordered to the Assembly without engrossment.

Mr. Evans verbally reported Assembly Bill No. 716—An Act to confer additional powers on the Board of Supervisors of the County of San Joaquin—recommending its passage.

Rules suspended, read third time, and passed.

By Mr. McCune:

Mr. PRESIDENT: The Solano and Yolo delegation have had under consideration Assembly Bill No. 706—An Act amendatory of an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred

and fifty-nine, approved April fourth, eighteen hundred and seventy—would report the bill back, and recommend its passage.

McCUNE, for Delegation.

Rules suspended, the bill taken up, read third time, and passed.

On motion of Mr. Neff, the special order set for ten o'clock and thirty minutes A. M., was postponed until after the order of "Report of Committees" had passed.

By Mr. Beck:

MR. PRESIDENT: The Monterey delegation, to whom was referred Assembly Bill No. 742—An Act to authorize the Trustees of the Town of Hollister to build a school house, and to provide for the payment of the same—have had the same under consideration, report the bill back, and recommend its passage.

BECK, for Delegation.

Rules suspended, bill taken up, read third time, and passed.

Mr. Boggs verbally reported Assembly Bill No. 736—An Act to change the name of the Town of New Republic to that of Santa Rita—recommending its passage.

By Mr. Garratt:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Substitute for Assembly Bill No. 595—An Act to authorize the City and County of San Francisco to provide and maintain public waterworks for said city and county, and to condemn and purchase private property for that purpose—report the same back, without recommendation, the delegation being divided.

Also, Substitute for Assembly Bill No. 694—An Act abolishing the City Hall Commission of the City of San Francisco, and providing for the construction of the building—report the same back, and recommend its passage.

Also, Senate Bill No. 517—An Act to amend section two hundred and sixty-nine of the Code of Civil Procedure—report the same back, and recommend it be referred to the Judiciary Committee.

Also, Senate Bill No. 503—An Act to authorize the Board of Supervisors to investigate and settle warrants issued by the Laguna Survey Commissioners—report the same back, and a majority of the delegation recommend that it do not pass.

Also, Assembly Bill No. 712—An Act to ratify and confirm Order Number Eleven Hundred and Thirty-nine of the Board of Supervisors of the City and County of San Francisco—report the same back, and recommend its passage.

GARRATT, Chairman.

On motion of Mr. Roach, Assembly Bill No. 595, above reported, was made the special order for this evening, at seven o'clock and thirty minutes.

Assembly Bill No. 694, above reported, rules suspended, bill taken up, read third time, and passed.

Mr. Tuttle verbally reported Assembly Bill No. 523—An Act to amend the provisions of the Political Code relative to public schools—with

amendments, recommending the adoption of the amendments, and the passage of the bill.

Amendments adopted, rules suspended, read third time, and passed.

Mr. Neff verbally reported Assembly Bill No. 754—An Act amendatory of and supplemental to an Act entitled an Act reorganizing the Board of Supervisors of Placer County, and to provide for the election of the same, approved March thirteenth, eighteen hundred and seventy-four.

Rules suspended, read third time, and passed.

Mr. McKusick verbally reported Assembly Bill No. — —An Act for the relief of John C. Burgess and Orrin Champlin—with amendments, and passage recommended.

Also, Assembly Bill No. 402—An Act to quiet the title to certain lands—recommending that it do not pass.

Mr. Boggs verbally reported Assembly Bill No. 749—An Act to prevent hogs from running at large in the Towns of Red Bluff and Tehama—recommending its passage.

Rules suspended, read third time, and passed.

By Mr. Finney—An Act to amend an Act to prescribe the duties of certain officers of San Mateo County, and to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four—recommending its passage.

Rules suspended, read third time, and passed.

By Mr. Roach:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 588—An Act in relation to warehouse and wharfinger receipts—have considered the same, and recommend its reference to the Judiciary Committee.

ROACH, Chairman.

The bill was so referred.

Mr. Irwin reported the resolution referred to the Committee on Finance, providing for printing the reports of State officers in Spanish, without recommendation.

Mr. Tuttle reported Assembly Bill No. 737—An Act to amend an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma, approved March sixteenth, eighteen hundred and seventy-four—recommending its passage.

Rules suspended, read third time, and passed.

Also, Assembly Bill No. 748—An Act supplementary to an Act to provide for the construction of a common wagon road from Healdsburg to Pine Flat, in Sonoma County, approved March eleventh, eighteen hundred and seventy-four—and recommended its passage.

Rules suspended, read third time, and passed.

By Mr. McMurry—An Act in relation to roads and highways in the County of Shasta—recommending its passage.

Rules suspended, read third time, and passed.

By Mr. Gibbons—Assembly Bill No. 705—An Act to authorize the City of Oakland to issue and sell bonds of the City of Oakland, and with the proceeds thereof to pay and cancel certain other bonds of said city.

Also, Assembly Bill No. 702—An Act to provide for the collection of district school taxes in certain school districts in Murray Township, Alameda County.



Also, Assembly Bill No. 700—An Act to authorize the Board of Supervisors of Alameda County to pay the claim of G. W. Babcock—recommending the passage of the bills.

Rules suspended, the bills taken up in their order, read third time, and passed.

On motion of Mr. Edgerton, the special order was postponed to twelve o'clock M.

By Mr. Perkins—Assembly Bill No. 738—An Act granting leave of absence to the County Treasurer of Butte County—recommending its passage.

Rules suspended, read third time, and passed.

By Mr. Irwin—Assembly Bill No. 697—An Act to provide for the collection of certain unpaid taxes in the County of Modoc—recommending its passage.

By Mr. Evans—Senate Bill No. 526—An Act to authorize the Board of Supervisors of San Joaquin County to audit a certain claim—with a substitute, recommending the adoption of the substitute, and passage of the bill.

Rules suspended, substitute adopted, considered engrossed, read third time, and passed.

By Mr. Pendegast—Assembly Bill No. 746—An Act to authorize the Supervisors of Santa Clara County to exempt firemen from the payment of poll taxes for county purposes—with amendments, and without recommendation.

By Mr. Martin—Assembly Bill No. 493—An Act to provide for the location and better maintenance of roads and highways in the County of Placer—with amendments.

Rules suspended, amendments adopted, read third time, and passed.

By Mr. Fraser:

Mr. PRESIDENT: The El Dorado delegation, to whom was referred Assembly Bill No. 625—An Act relative to the construction of the Code, and salary of the District Attorney of El Dorado County—report the same back, with a substitute, and recommend the adoption of the substitute, and the passage of the bill.

FRASER, for Delegation.

Rules suspended, substitute adopted, read third time, and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 26th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 384—An Act authorizing the Trustees of Santa Barbara School District, of the County of Santa Barbara, to issue bonds of the said district for school purposes.

Also, Senate Bill No. 442—An Act to authorize and empower the Board of Supervisors of the County of Trinity to fix the rate of tolls to be charged on certain wagon roads.

Also, Senate Bill No. 409—An Act supplemental to and amendatory of an Act entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant, approved February seventeenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 352—An Act to authorize the State Controller to issue a duplicate warrant.

Also, Senate Bill No. 466—An Act to amend the special school law of the City of Los Angeles.

Also, Senate Bill No. 447—An Act supplementary to and amendatory of an Act entitled an Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 415—An Act providing for the ascertainment and settlement of the claim—if any he has—of John Domingos, for services performed on and material furnished in the construction, improvement, and repair of the Sacramento Drainage Canal.

Also, Senate Bill No. 99—An Act to appropriate money to complete the State Normal School building, and for the improving of the grounds.

Also, Senate Bill No. 107—An Act to enable certain parties therein named to alienate or incumber homesteads.

Also, Senate Bill No. 346—An Act to provide for the erection of county buildings in the County of Alameda, and for the issuance of bonds therefor.

Also, Senate Bill No. 315—An Act to quiet the title to certain salt marsh and tide lands in Contra Costa County.

Also, Senate Bill No. 445—An Act to establish and define the powers and duties of the Board of Education of Nevada School District, in the County of Nevada, the said district including Nevada City.

Also, Senate Bill No. 495—An Act in relation to the county officers of Santa Clara County, their fees and salaries.

NEWTON BOOTH,  
Governor.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 26th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, ruled out of order Senate Concurrent Resolution No. 63—authorizing the Enrolling Clerk of the Senate to correct error in Senate Bill No. 301.

Also, herewith return Senate Bill No. 301—An Act to divide the County of Solano, and to erect within the present limits of said county a new county, to be known as Vallejo County.

JOHN WEBBER,  
Assistant Clerk.

[Mr. Perkins in the chair.]

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gibbons—An Act supplementary to an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and seventy-four, and to repeal certain other Acts in relation to said city, approved April twenty-fourth, eighteen hundred and sixty-two.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and ordered to the Assembly without engrossment.

By Mr. Beck—An Act to provide for the construction of a bridge across the San Lorenzo and Pajaro Rivers.

Read first and second times, rules suspended, considered engrossed, read third time and passed, and ordered to the Assembly without engrossment.

By Mr. Garratt—An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco, approved March twenty-eighth, eighteen hundred and seventy-two.

Read first and second times, and referred to San Francisco delegation.

Also, an Act to modify and change the grade of streets in, and to adopt a proper system of sewerage for, the City and County of San Francisco, and to appoint a Board of Engineers to examine and report upon the same.

Read first and second times, and referred to San Francisco delegation.

By Mr. Bush—An Act to authorize the Mayor and Common Council of the City of Los Angeles to pay certain warrants drawn on the Salary Fund.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and ordered to the Assembly without engrossment.

By Mr. Roach—An Act for the relief of purchasers of City Hall lots in the City and County of San Francisco.

Read first and second times, and referred to San Francisco delegation.

By Mr. Hendricks—An Act granting leave of absence to the County Surveyor of Butte County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Keys—An Act to amend an Act entitled an Act concerning stray animals, approved April nineteenth, eighteen hundred and fifty-six.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Tuttle—An Act to amend an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two.

Read first and second times, considered engrossed, read third time, and passed, and ordered to the Assembly without engrossment.

By Mr. Hopkins—An Act to amend section thirteen hundred and sixty-five of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Assembly Bill No. 147—An Act to amend the Political Code in relation to highways.

Amendments agreed to in Committee of the Whole adopted, read third time, and passed.

Assembly Bill No. 283--An Act to amend section two hundred and seventy and two hundred and seventy-one of, and to add sections two

hundred and seventy-two, two hundred and seventy-three, and two hundred and seventy-four to, the Code of Civil Procedure.

Amendments adopted, read third time, and passed.

Assembly Bill No. 646—An Act to amend an Act entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code.

Read third time, and passed.

Assembly Bill No. 437—An Act to appropriate money to pay for services rendered the State by William Hale.

Read third time, and passed.

Assembly Bill No. 618—An Act to provide for the widening of Dupont street, in the City and County of San Francisco, and to take private lands therefor.

Amendments adopted, read third time, and passed.

On motion of Mr. Pendegast, the rules were suspended to take up Assembly Bill No. 509—An Act to add another section to the Code of Civil Procedure.

On motion of Mr. Oulton, the bill was indefinitely postponed.

On motion of Mr. Irwin, the rules were suspended, and Senate Bill No. 480—An Act for the encouragement of agriculture and other industries—ordered to the top of the General File for to-morrow.

#### REPORTS.

Reports were submitted, as follows:

By Mr. McKusick:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 413—An Act for the relief of M. B. Pond;

Also, Senate Bill No. 296—An Act regulating the sale of mineral lands belonging to the State;

Also, Senate Bill No. 472—An Act in relation to taxation of solvent debts other than those secured by mortgage or other lien;

Also, Senate Bill No. 390—An Act to abolish attorneys' fees and other charges in foreclosure suits;

Also, Senate Bill No. 497—An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Shasta;

Also, Senate Bill No. 100—An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the fees and salaries of officers, and defining their duties, in the County of El Dorado, and other matters relating thereto, approved March fifth, eighteen hundred and seventy, approved March twenty-seventh, eighteen hundred and seventy-two;

Also, Senate Bill No. 456—An Act to legalize certain conveyances, leases, and other instruments in writing, affecting certain real estate in Colusa County;

Also, Senate Bill No. 516—An Act to authorize the Board of Supervisors of Los Angeles County to protect certain lands in El Monte Township against the overflow of San Gabriel River;

And have presented the same to the Governor, for his approval, this day, at eleven o'clock and thirty-five minutes A. M.

McKUSICK, for Committee.



By Mr. McCune:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 301—An Act to divide the County of Solano, and to erect within the present limits of said county, a new county, to be known as Vallejo County;

And have presented the same to the Governor, for his approval, this day, at eleven o'clock and forty-five minutes A. M.

McCUNE, for Committee.

#### SPECIAL ORDER, TWELVE O'CLOCK M.

Senate Bill No. 449—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State.

Assembly Bill No. 2—An Act to regulate fares and freights on the railroads in the State of California.

Substitute for Senate Bill No. 150.

Senate Bill No. 165.

Senate Bill No. 214.

Mr. Pendegast moved that the consideration of the bills be continued until two o'clock.

Carried.

At one o'clock P. M. the Senate took a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

#### REPORTS.

Mr. Andross submitted a report, as follows:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 258—An Act to amend the charter of the City of Los Angeles, to define its limits and rights, enlarge its powers, and provide for its more effectual government;

And have presented the same to the Governor, for his approval, this day, at one o'clock and forty-five minutes P. M.

ANDROSS, for Committee.

By Mr. Lindsey:

Mr. PRESIDENT: Your committee to whom was referred Assembly Bill No. 647—An Act amendatory of an Act entitled an Act to provide for the protection of certain lands in Sutter County from overflow, approved March twenty-fifth, eighteen hundred and sixty-eight, and to the Act supplementary thereof, approved March thirtieth, eighteen hundred and seventy-two—have had the same under consideration, and now re-

port the bill back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

LINDSEY, for Committee.

SPECIAL ORDER RESUMED.

[Mr. Perkins in the chair.]

Substitute for Senate Bills Nos. 150, 165, and 214.

Amendments agreed to in Committee of the Whole adopted.

Mr. Bartlett moved to amend by striking out section two, Chapter One.

Lost.

Mr. Hendricks offered an amendment, as follows:

Amend subdivision four of section one, Chapter Two, by striking out in line nineteen of the printed bill, the words "at the same time." Also, amend subdivision one of section two, Chapter Two, by striking out in lines five and six of the printed bill, the words "at the same time."

Lost.

[The President in the chair.]

Mr. Edgerton moved to take up Assembly Bill No. 2 and place it on its final passage.

So ordered.

Read third time.

Mr. Martin moved a call of the Senate.

Carried.

The roll was called, and all the Senators answered to their names, as follows:

Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Spencer, Turner, and Tuttle—40.

On the passage of the bill, the ayes and noes were demanded by Messrs. Edgerton, Lindsey, and Martin, and the Senate refused to pass the bill, by a vote as follows:

AYES—Messrs. Bartlett, Crane, DeHaven, Eakin, Edgerton, Lindsey, Martin, Neff, Spencer, and Turner—10.

NOES—Messrs. Andross, Beck, Boggs, Bush, Duffy, Dyer, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, McCoy, McCune, McKusick, McMurry, O'Connor, Oulton, Pendegast, Perkins, Roach, and Tuttle—30.

Senate Bill No. 449.

Amendments agreed to in Committee of the Whole adopted.

Mr. Irwin moved to suspend the rules, to consider the bill engrossed, and to place it on its final passage.

Lost.

[Mr. Farley in the chair.]

Mr. Boggs moved to make the bill a special order for to-morrow, at ten o'clock and thirty minutes 'A. M.

Lost.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Irwin, Perkins, and McMurry, and the Senate refused, by a vote as follows:

**AYES**—Messrs. Bartlett, Bush, DeHaven, Eakin, Edgerton, Farley, Fraser, Hendricks, Irwin, Laine, Lindsey, Martin, McCune, McMurry, Neff, O'Connor, Perkins, Roach, Turner, and Tuttle—20.

**NOES**—Messrs. Andross, Beck, Boggs, Crane, Duffy, Dyer, Evans, Finney, Garratt, Gibbons, Goodale, Graves, Hopkins, Kent, Keys, McCoy, McKusick, Oulton, Pendegast, and Spencer—20.

Mr. Edgerton moved to reconsider the vote whereby the Senate, on yesterday, indefinitely postponed Senate Bill No. 469—An Act to continue and complete the investigation into the alleged frauds in the various land departments of the State of California, and of the United States, within the State of California.

The motion to reconsider was made a special order for to-morrow, at ten o'clock and thirty minutes A. M.

On motion of Mr. Roach, the special order set for seven o'clock and thirty minutes, this evening, was postponed until eleven o'clock and thirty minutes A. M., to-morrow.

Mr. Pendegast moved to make Substitute for Senate Bills Nos. 150 and 214 special order for to-morrow, at eleven o'clock A. M.

Carried.

At six o'clock and twenty minutes P. M., on motion of Mr. Oulton, the Senate adjourned.

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## IN SENATE.

SENATE CHAMBER,  
Friday, March 27th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

The Journal of yesterday was being read, when, on motion of Mr. Beck, further reading was dispensed with.

## PETITION.

Mr. Laine presented a petition from citizens of Santa Clara County favoring the passage of Assembly Bill No. 746—exempting firemen in that county from the payment of poll tax.

Received, and laid on the table.

On motion of Mr. Gibbons, the rules were suspended, to take from the Special File Senate Bill No. 307—An Act to amend the Political Code, in reference to the boundaries of Alameda County.

Read third time, and passed.

On motion of Mr. Laine, the rules were suspended to take up Assembly Bill No. 746—An Act to authorize the Supervisors of Santa Clara

County to exempt firemen from the payment of poll taxes for county purposes.

Read third time, and passed.

Assembly Bill No. 666—An Act concerning the county records of the County of Marin—was taken up, under a suspension of the rules, on motion of Mr. Goodale.

Read third time, and passed.

#### REPORT.

Mr. Finney submitted a report, as follows:

MR. PRESIDENT: Your Committee on Agriculture respectfully report that they have considered Assembly Bill No. 735, and recommend its passage.

Also, Assembly Bill No. 611, and recommend that it do not pass, for these reasons: First, that it takes away the powers of the present able Board of Fish Commissioners, and gives them to the Acclimatizing Society; and second, that it provides for appropriations already made for the same purpose to the Fish Commissioners.

Also, Assembly Bill No. 719—An Act to encourage the destruction of wild animals in the Counties of Monterey and San Benito—and recommend that it do not pass, for the reason that it levies an enormous tax for the establishment of a Bounty Fund, which would operate injuriously, as all such schemes do.

FINNEY, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 26th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 663—An Act to prohibit candidates for office from using or dispensing intoxicating liquors for electioneering purposes.

Also, passed Assembly Bill No. 721—An Act to amend an Act entitled an Act to reincorporate the Town of San Luis Obispo.

Also, passed Assembly Bill No. 724—An Act to authorize the Board of Supervisors of the County of San Joaquin to transfer certain funds.

Also, passed Assembly Bill No. 723—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 753—An Act in relation to certain streets in the Town of Alameda.

Also, passed Assembly Bill No. 717—An Act amendatory of and supplemental to an Act entitled an Act to provide for the purchase and construction of free bridges in Big River Township, in the County of Mendocino, approved March twenty-third, eighteen hundred and seventy-four.



Also, on this day, passed Senate Bill No. 405—An Act to enforce the educational rights of children.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 26th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under a suspension of the rules, and ordered transmitted without engrossment, Assembly Bill No. 760—An Act to provide a new Great Register for the County of Sacramento.

Also, refused to concur in Senate amendments to Assembly Bill No. 147—An Act to amend the Political Code in relation to highways.

Also, appointed Messrs. Pelham, Peek, and Rogers as Committee of Conference on the part of the House, on Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code.

Also, concurred in certain Senate amendments, and refused to concur in certain other amendments, to Assembly Bill No. 242—An Act making appropriations for the support of the Government of the State of California for the twenty-sixth and twenty-seventh fiscal years.

Also, concurred in Senate amendments to Assembly Bill No. 618—An Act to provide for the widening of Dupont street, in the City and County of San Francisco, and to take private lands therefor.

Also, concurred in amendments to Assembly Bill No. 493—An Act to provide for the location and better maintenance of roads and highways in the County of Placer.

Also, concurred in amendments to Assembly Bill No. 283—An Act to amend sections two hundred and seventy and two hundred and seventy-one of, and to add sections two hundred and seventy-two, two hundred and seventy-three, and two hundred and seventy-four to, the Code of Civil Procedure.

Also, concurred in amendments to Assembly Bill No. 523—An Act to amend the provisions of the Political Code relative to public schools.

Also, adopted report of Committee of Conference on Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

Also, appointed Messrs. Wickware, Freidenrich, and Howe, Committee of Conference on Assembly Bill No. 578—An Act to authorize the Board of Education of the City and County of San Francisco to lease a school lot in said city and county, and to authorize the issuance of school bonds for the purchase of sites and the erection of school buildings in said city and county.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 26th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 511—An Act to amend section fifteen hundred and five of the Code of Civil Procedure.

Also, passed Senate Bill No. 535—An Act to authorize the Mayor and Common Council of the City of Los Angeles to pay certain warrants drawn on the Salary Fund.

Also, passed Senate Bill No. 539—An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma, approved March twenty-third, eighteen hundred and seventy-two.

Also, passed, under a suspension of the rules, and ordered transmitted to Senate without engrossment, Assembly Bill No. 761—An Act relating to the office of District Attorney of Sacramento County.

Also, Assembly Bill No. 762—An Act relating to the School Fund of Lee School District, in Sacramento County.

Also, Assembly Bill No. 763—An Act granting further powers on the Board of Supervisors of San Francisco.

Also, passed Senate Bill No. 508—An Act levying a tax for State purposes, for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 27th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed, under suspension of the rules, and ordered transmitted without engrossment, Assembly Bill No. 739—An Act supplementary to an Act entitled an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

Also, Assembly Bill No. 767—An Act to grant certain wharf privileges in Contra Costa County.

Also, Assembly Bill No. 769—An Act supplemental to an Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four.

Also, refused to adopt Senate Substitute for Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy.

Also, amended and passed Senate Bill No. 530—An Act to repeal an Act entitled an Act to authorize the City of San José to issue bonds to provide sewerage for said city.

Also, amended and passed Senate Bill No. 533—An Act to provide for the construction of bridges across the San Lorenzo and Pajaro Rivers.

Also, amended and passed Senate Bill No. 483—An Act to regulate fees of office and salaries of certain officers in the County of Colusa, and to repeal all Acts now in force in relation thereto.

Also, amended and passed Senate Bill No. 531—An Act supplementary to an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, approved April twenty-fourth, eighteen hundred and sixty-two.

Also, adopted report of committee on Assembly Bill No. 509—An Act to authorize the Board of Supervisors of Lake County to lease a certain toll road in said county, and for other purposes.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 27th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 553—An Act in relation to stock roads.

Also, amended and passed Senate Bill No. 441—An Act to authorize the Board of Supervisors of the counties named therein to transfer certain funds, and to empower the Boards of Supervisors of the said counties to levy a tax, when necessary, to provide the means to return said funds when required.

Also, passed Senate Bill No. 452—An Act to provide for the collection of the unpaid taxes due for the fiscal years eighteen hundred and seventy-two—three and eighteen hundred and seventy-three—four.

Also, passed Senate Bill No. 334—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Also, passed Senate Bill No. 414—An Act legalizing the State tax and assessments in the several counties, in eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Also, amended and passed Senate Bill No. 510—An Act to add to the Penal Code certain sections, punishing telegraphic corporations for making discriminations in their charges.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 763, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 762, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 761, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 760, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 724, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 723, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 753, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 717, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 767, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 663, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 45, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 721, above reported, read first and second times, rules suspended, bill taken up, and indefinitely postponed.

Assembly Bill No. 739, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 769, above reported, read first and second times, and referred to the Committee on Finance.



Assembly Bill No. 553, above reported, read first and second times, and referred to the Committee on Agriculture.

Senate Bill No. 510, reported from the Assembly with a substitute, referred to the Judiciary Committee.

Senate Bill No. 441, above reported, Assembly amendment to the bill concurred in.

Senate Bill No. 533, above reported, Assembly amendment to the bill concurred in.

Senate Bill No. 531, above reported, Assembly amendment to the bill concurred in.

Senate Bill No. 483, above reported, Assembly amendment to the bill concurred in.

Assembly Bill No. 242, above reported, the Senate adhered to its amendments.

On motion of Mr. Evans, the rules were suspended, and the Chair authorized to appoint a Committee of Free Conference.

Messrs. Evans, Graves, and Pendegast were appointed as such committee.

Assembly Bill No. 147, above reported, Senate adhered to its amendments, and the Chair, under a suspension of the rules, appointed Messrs. Goodale, Tuttle, and Lindsey a Committee of Free Conference.

#### REPORTS.

Mr. Duffy submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 183—An Act to remove from Henry Meiggs certain legal disabilities—and presented the same to the Governor, for his approval, this day, at nine o'clock and forty minutes A. M.

DUFFY, for Committee.

Rules suspended, and Assembly Bill No. 194—An Act to amend the Code of Civil Procedure, relative to liens of mechanics and others upon real property—was taken up, on motion of Mr. Duffy, read third time, and passed.

By Mr. Perkins:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 502—An Act to provide for the investigation and equitable adjustment of certain claims against the County of Sonoma, have had the same under consideration, and respectfully report: That the claim to equitable relief sought by Mr. Bowers, is highly indorsed, and recognition thereof urged, in writing, by some forty-three persons, all said to be citizens and residents of Sonoma County, either at this time or at the time when signing the same. Such of these gentlemen as are to us personally known, are of the highest respectability. This bill does not pretend to pass upon the merits or equities of the claim, but simply authorizes the selection of three disinterested arbitrators, sworn to act impartially, to hear the evidence and counsel on either side, and report to the Supervisors the amount equitably due, if anything, to Mr. Bowers. It cannot, with propriety, be said that this claim has ever been adjudi-



cated by the Courts or any other tribunal; it is true that the Supreme Court decided, under a former Act, that mandamus to compel the Board of Supervisors to allow this claim, would not lie; but that resulted from the fact that the former Act was not mandatory. As legislators, we do not feel at liberty to disregard the claims of a citizen who comes with a cause in favor of which so many of his fellow citizens seem to interest themselves, and when, too, these very persons will pay their proportion towards the liquidation of any amount finally determined to be due Mr. Bowers, he is entitled to have respectful consideration, at least, from the Legislature. And inasmuch as the defense to the allowance of anything by the county is fully provided for, we can see no just reason to deny to Mr. Bowers an opportunity to establish any claim he may have. The *prima facie* case made to us induces us to recommend the passage of the substitute herewith respectfully submitted.

The committee have also had under consideration Assembly Bill No. 541—An Act for the relief of N. T. Gray, late Treasurer and ex officio Tax Collector of El Dorado County—and report the bill back with an amendment, and recommend the passage of the bill as amended.

PERKINS, Chairman.

Rules suspended, and Assembly Bill No. 541 taken up, read third time, and passed.

Special order set for ten o'clock and thirty minutes A. M., was postponed until three o'clock P. M.

On motion of Mr. Fraser, the rules were suspended to take from the Special File Assembly Bill No. 66—An Act to prevent the trespassing of animals upon private property in the County of El Dorado.

Mr. McKusick presented a remonstrance from residents of El Dorado County against the passage of the bill.

Amendment adopted, rules suspended, read third time, and passed.

On motion of Mr. Beck, the rules were suspended to take up Senate Bill No. 475—An Act authorizing the State Board of Examiners to allow certain claims against the State.

Substitute adopted, and the Senate refused to engross the bill.

#### REPORT.

By Mr. Martin:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 500—An Act directing the payment of the claim of George Durand against Siskiyou County;

Also, Senate Bill No. 290—An Act to amend section one hundred and ninety of the Political Code;

Also, Senate Bill No. 521—An Act to fix the salaries and compensation of certain officers of Butte County;

Also, Senate Bill No. 264—An Act relating to mutual beneficial and relief associations;

Also, Senate Bill No. 522—An Act supplemental to an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to regulate fees of office in Siskiyou County;

Also, Senate Bill No. 459—An Act to amend section five hundred and fourteen of the Civil Code;

Also, Senate Bill No. 156—proposed amendment to section twenty-one, Article XI, of the Constitution of this State;

Also, Senate Bill No. 87—An Act to provide for the erection and maintenance of a Branch State Prison near the Town of Folsom;

And have presented the same to the Governor, for his approval, this day, at ten o'clock and forty-five minutes A. M.

MARTIN, for Committee.

#### RESOLUTION.

Mr. Edgerton, by leave, offered a concurrent resolution, as follows:

*Resolved by the Senate, the Assembly concurring,* That the portrait of Governor Manuel Micheltorena presented by Samuel J. Bridge, Esq., to the State of California, be and the same is hereby accepted; and the thanks of the Legislature are hereby tendered to him for his liberal and graceful donation to the State, so valuable as a memorial of its early history.

*Resolved,* That the Governor be requested to forward a copy of this resolution to Mr. Bridge, and that the correspondence accompanying the resolution be spread upon the Journals of the Senate and Assembly.

Adopted.

SAN FRANCISCO, August 25th, 1873.

DEAR SIR: It is an honorable custom among intelligent States to preserve in the archives the memorials of distinguished men whose labors have contributed to the foundation and perpetuity of the commonwealth. It is the privilege of the private citizen to share this sentiment, and to increase its influence among men.

I desire to present to the State, as a testimony of my grateful sentiments and ardent hopes, the portrait of Manuel Micheltorena, Governor of the Department of California from the year eighteen hundred and forty-two to the year eighteen hundred and forty-five. The portrait is now in the rotunda of the Capitol, at Sacramento. General Micheltorena was the last Governor sent to California before the American acquisition.

He was appointed by Santa Anna in eighteen hundred and forty-two, then Dictator in Mexico, and on account of the disturbed condition of the country, was invested with extraordinary powers. In the performance of his duties as Governor of California, he was able, intelligent, and faithful, both to the home government and to the province.

He was a distinguished soldier. He served with Santa Anna in the Texas campaign, and was Major General in the war between Mexico and the United States. He was a member of the Chamber of Deputies in the Congress that ratified the Treaty of Guadalupe Hidalgo, and voted for the ratification; and in the animated discussion which took place at that time, he was a leader and advocate of peace.

It seems to me fit and proper that his portrait should be placed among the memorials of men and the events of his own and of succeeding time.

With grateful recollections of the beginning and use of the commonwealth, and with confident hopes of its future greatness,

I am, very respectfully, your obliged fellow citizen,

SAM. J. BRIDGE.

*His Excellency* NEWTON BOOTH,  
Governor of California.

EXECUTIVE DEPARTMENT,  
SACRAMENTO, Cal., August 23d, 1873. }

SAM. J. BRIDGE, Esq.:

DEAR SIR: For the portrait of Manuel Micheltorena, the distinguished soldier and able statesman, who was Governor of California from eighteen hundred and forty-two to eighteen hundred and forty-five, presented by you to the State of California, to be placed in the rotunda of the Capitol, you will please accept the sincere thanks of the people of California, respectfully tendered to you by the officers of the present administration.

Very respectfully yours,

NEWTON BOOTH,  
Governor.

SPECIAL ORDER.

On motion of Mr. Evans, the special order set for half-past eleven o'clock, was postponed until three o'clock P. M.

REPORTS.

Reports were submitted, as follows:

By Mr. Roach:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 616—An Act granting further powers to the Board of State Harbor Commissioners—have had the same under consideration, and recommend its passage.

ROACH, Chairman.

By Mr. Irwin:

MR. PRESIDENT: The Committee on Finance, to whom was referred Assembly Substitute for Assembly Bills Nos. 1 and 26—An Act to amend certain sections of the Political Code, and to repeal certain other sections—have had the same under consideration, and now report it back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Assembly Bill No. 518—An Act to provide for the redemption of the funded indebtedness of El Dorado County—have had the same under consideration, and now report it back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

IRWIN, Chairman.

By Mr. Boggs:

MR. PRESIDENT: The delegation to whom was referred Assembly Bill No. 388—An Act to quiet title to certain lands in the Counties of Yolo and Colusa, in the State of California—have had the same under consideration, and report the bill back, and recommend its passage.

Also, Assembly Bill No. 460—An Act to redistrict the County of Tehama, and to reorganize the Board of Supervisors in and for said county—and recommend the passage of the substitute.

Also, Assembly Bill No. 750—An Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office—report the same back, and recommend its passage.

BOGGS, for Delegation.

Assembly Bill No. 388, above reported, rules suspended, read third time, and passed.

Assembly Bill No. 750, above reported, rules suspended, read third time, and passed.

Assembly Bill No. 460, above reported, substitute adopted, read third time, and passed.

#### SPECIAL ORDER.

On motion of Mr. Edgerton, the rules were suspended, and Senate Bill No. 313—An Act to improve the navigation of the Sacramento and San Joaquin Rivers—taken from the General File, and made the special order for Friday, the twenty-eighth instant, at twelve o'clock M.

#### REPORTS.

Mr. Oulton submitted a report, as follows:

MR. PRESIDENT: The Committee of Conference appointed to consider the disagreeing vote of the Senate and Assembly on Assembly Bill No. 578—An Act to authorize the Board of Education of the City and County of San Francisco to lease a school lot, etc.—have had the same under consideration, and recommend that the Assembly concur in the amendments made in the Senate.

OULTON,  
LAINE,  
O'CONNOR,  
Senate Committee.

HOWE,  
WICKWARE,  
Assembly Committee.

Adopted.

By Mr. Evans:

MR. PRESIDENT: The San Joaquin County delegation, to whom was referred Assembly Bill No. 724—An Act to authorize the Board of Supervisors of the County of San Joaquin to transfer certain funds—have duly considered the same, and now report the bill back to the Senate, and recommend its passage.

EVANS, for Delegation.

Rules suspended, read third time, and passed.

By Mr. Lindsey:

MR. PRESIDENT: The Fresno delegation, to whom was referred Assembly Bill No. 743—An Act to permanently locate the county seat of Fresno County—have had the same under consideration, and now report the bill back, and recommend its passage.

LINDSEY, for Delegation.



Rules suspended, read third time, and passed.

Mr. Edgerton verbally reported Assembly Bill No. 761—An Act relating to the office of District Attorney of Sacramento County;

Also, Assembly Bill No. 762—An Act relating to the School Fund of Lee School District, in Sacramento County;

Also, Assembly Bill No. 760—An Act to provide for a new Great Register for the County of Sacramento—recommending the passage of the bills.

Rules suspended, bills taken up in their order, read third time, and passed.

By Mr. Tuttle:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 526—An Act to authorize the Board of Supervisors of San Joaquin County to audit a certain claim.

Also, Senate Bill No. 537—An Act granting leave of absence to the County Surveyor of Butte County.

TUTTLE, for Committee.

By Mr. Pendegast:

Mr. PRESIDENT: The Judiciary Committee have had under consideration Senate Bill No. 450—An Act to amend the Penal Code concerning the examination of persons accused of crime before committing magistrates—and report the same back, and recommend that the Senate do not adopt the Assembly substitute for the bill.

Also, Senate Bill No. 115—An Act to amend an Act entitled an Act to establish a Political Code—and report the same back, and recommend its passage.

Also, Senate Bill No. 324—An Act to add an additional section to the Political Code, and to amend sections two thousand nine hundred and ninety-three, two thousand nine hundred and ninety-four, three thousand and seventy-six, three thousand and seventy-nine, three thousand and eighty-one, and three thousand and eighty-two thereof—and report the same back with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Assembly Bill No. 741—An Act to legalize and confirm the levy, equalization, assessment roll, publication, and sale of real estate for the non-payment of taxes—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Assembly Bill No. 341—An Act to legalize a certain assessment made by the officers of the Town of Brooklyn, Alameda County—and report the same back, and recommend the passage of the bill.

Also, Assembly Bill No. 610—An Act prescribing the fees of Coroners and Elisors, and their mode of payment—and report the same back, and recommend the passage of the bill.

Also, Assembly Bill No. 589—An Act to amend section four thousand and twenty-seven of the Political Code—and report the same back, and recommend the passage of the bill.

Also, Assembly Bill No. 600—An Act to amend section three thousand five hundred and eighty-four of the Political Code—and report the bill back, without recommendation.

Also, Senate Bill No. 169—An Act authorizing and directing the State Treasurer to commence and prosecute civil actions, on behalf of the

State of California, against certain persons therein named—and report the bill back, without recommendation.

The committee report back, without recommendation, the following number of proposed amendments to the Constitution, and advise that they be considered in conjunction with the amendments introduced by the committee.

Senate Bill No. 14—proposed amendment to section second, of Article IV, of the Constitution of the State of California.

Senate Joint Resolution No. 23—proposed amendment to section thirteen, Article II, of the Constitution of this State.

Senate Bill No. 51—proposed amendment to the Constitution of the State of California.

Senate Bill No. 70—An Act to amend the Constitution of the State of California.

Senate Bill No. 133—An Act proposing an amendment to section fourteen of Article I of the Constitution of the State of California.

Senate Bill No. 142—proposed amendment to the Constitution.

Senate Bill No. 155—proposed amendment to section thirteen of Article V of the Constitution of this State.

Senate Bill No. 180—proposed amendment to Article IV of the Constitution.

Senate Bill No. 177—amendment to Article X of section eleven of the Constitution.

Senate Bill No. 202—proposed amendment to section one of Article VII of the Constitution.

The committee have also had under consideration and report back the following bills, with the recommendation that they do not pass:

Assembly Substitute for Assembly Bill No. 698—An Act to amend section seven hundred and thirty-seven of the Political Code.

Senate Bill No. 540—An Act to amend section thirteen hundred and sixty-five of the Code of Civil Procedure.

Senate Bill No. 538—An Act to amend an Act entitled an Act concerning estray animals, approved April nineteenth, eighteen hundred and fifty-six. The committee recommend that this bill do not pass, on the ground that it is an effort to amend an Act long since repealed.

Also, report back the following bills, and recommend that they do not pass:

Senate Bill No. 517—An Act to amend section two hundred and sixty-nine of the Code of Civil Procedure. The object of this bill has been already provided for in the general amendments to the Code of Civil Procedure.

Assembly Bill No. 588—An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto.

Assembly Bill No. 755—An Act to amend the Political Code.

Senate Bill No. 443—An Act amending sections three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and ninety-three, three thousand seven hundred and twenty-eight of the Political Code.

Senate Bill No. 488—An Act to prevent fraudulent contests for lands in the name of the State.

Senate Bill No. 527—An Act to amend section one thousand six hundred and eight of the Penal Code.

Assembly Bill No. 641—An Act to add another section to the Penal Code.

Senate Bill No. 154—An Act to amend the Penal Code.

Also, report back the following bills, and recommend that they be indefinitely postponed:

Assembly Bill No. 644—An Act to amend section two thousand seven hundred and twenty-five of the Political Code.

Assembly Bill No. 576—An Act to amend sections one thousand and twenty-eight, four thousand three hundred and thirty-three, and two thousand two hundred and twenty-one of the Political Code.

Assembly Concurrent Resolution No. 58—relative to liability of the Central Pacific Railroad Company to convey State messengers free of charge.

Senate Bill No. 305—An Act to acquire title to certain lands in the Governor's Mansion block.

Senate Bill No. 120—An Act to regulate the liabilities of hotel keepers and to prevent fraud and fraudulent practices upon or by hotel keepers.

PENDEGAST, Chairman.

The rules were suspended, and Assembly Bills Nos. 341, 589, and 610 taken up, each bill read third time, and passed.

Assembly Bill No. 741, above reported, taken up, rules suspended, amended, read third time, and passed.

Mr. Gibbons verbally reported Assembly Bill No. 753—An Act in relation to certain streets in the Town of Alameda—recommending its passage

Rules suspended, the bill taken up, read third time, and passed.

[Mr. Tuttle in the chair.]

SPECIAL ORDER, AT ELEVEN O'CLOCK AND THIRTY MINUTES A. M.

Assembly Bill No. 595—An Act to authorize the City and County of San Francisco to provide and maintain public waterworks.

Amendments agreed to in Committee of the Whole adopted.

Mr. Bartlett offered an amendment:

Before any contract by the Board, or committee herein named to negotiate or purchase any waterworks or source of supply, or supply of water for said city and county, it shall be the duty of the Board of Supervisors to appoint a competent engineer, to have made the surveys hereinafter required, etc.; providing that said engineer shall make full and accurate examinations, all surveys of all real estate, waterworks, reservoirs, distributing mains, pipes, flumes, ditches, water, and water rights, creeks, ponds, springs, and sources or supply of water which it is contemplated to purchase, and prepare and file with his report accurate maps of the same, etc. \* \* \* \* \* Whenever the said last mentioned report has been made and filed, or whenever the award of Commissioners shall be made and filed, said Board of Supervisors shall immediately cause the material parts thereof (except maps and surveys) to be published in three daily newspapers published in said city and county, for the period of thirty days. On a careful examination of said report, should it meet the approval of said Board, and they deem it for the interest of the city and county to purchase the property described therein, at the price named in said report, they shall submit it to the qualified electors of said city and county; but no such election shall be held within sixty days after the said last mentioned report has been filed.

On which the ayes and noes were demanded by Messrs. Bartlett, Oulton, and Finney, and it was lost, by a vote as follows:

AYES—Messrs. Bartlett, Crane, DeHaven, Duffy, Edgerton, Garratt, Goodale, Laine, McCune, Neff, O'Connor, Oulton, Perkins, and Tuttle—14.

NOES—Messrs. Andross, Beck, Dyer, Eakin, Evans, Farley, Finney, Graves, Hopkins, Irwin, Kent, Keys, Lindsey, Martin, McCoy, Roach, and Turner—17.

Mr. Roach moved to reconsider the vote refusing to adopt the amendment.

Lost.

At one o'clock P. M., on motion of Mr. Evans, the hour of recess was postponed.

Mr. Duffy moved to recommit, with special instructions to insert "general election" in lieu of "special election," and strike out the words "this State," in line nine of section one.

Lost.

Mr. Finney moved that the bill be referred to Senators Roach and Bartlett, with instructions to insert the amendment offered by Senator Bartlett.

Lost.

Read third time.

On the passage of the bill, the ayes and noes were demanded by the requisite number, and the Senate refused to pass the bill, by a vote as follows:

AYES—Messrs. Andross, Beck, DeHaven, Edgerton, Evans, Finney, Fraser, Graves, Hopkins, Irwin, Kent, Keys, and McCoy—13.

NOES—Messrs. Bartlett, Crane, Duffy, Dyer, Farley, Garratt, Gibbons, Goodale, Laine, Lindsey, Martin, McCune, McMurry, Neff, O'Connor, Oulton, Perkins, Roach, Turner, and Tuttle—20.

At one o'clock and forty-five minutes P. M., on motion of Mr. Evans, the Senate took a recess until two o'clock and thirty minutes P. M.

#### REASSEMBLED.

At two o'clock and thirty minutes P. M., the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

#### RESOLUTION.

Mr. Farley offered a resolution providing for paying expenses incurred by the Committee on Corporations, in investigating railroad matters, with vouchers.

Referred to Committee on Contingent Expenses.



## REPORTS.

Mr. Pendegast reported Assembly Bill No. 45, recommending that the Senate adhere to its amendments.

So ordered.

The rules were suspended, and Messrs. Pendegast, Finney, and Lindsey were appointed a Committee of Conference on the bill.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on the Judiciary have had under consideration Assembly Bill No. 663—An Act to prohibit candidates for office from using or dispensing intoxicating liquors for electioneering purposes—and report the same back, without recommendation.

Also, Assembly Bill No. 417—An Act to create the Twenty first Judicial District—and report the same back, without recommendation.

PENDEGAST, Chairman.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee of Conference on Senate Bill No. 27—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure—report as follows: They recommend that the Assembly recede from its amendment to section one of said bill.

PENDEGAST,  
LAINE,  
O'CONNOR,

On the part of the Senate.

WILLIAMS,  
On the part of the Assembly.

Adopted.

By Mr. Pendegast:

Mr. PRESIDENT: The Committee on the Judiciary have had under consideration Assembly Bill No. 205—An Act to amend the Political Code;

Also, Assembly Bill No. 126—An Act to amend the Civil Code;

And report both bills back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bills as amended.

PENDEGAST, Chairman.

Assembly Bills Nos. 205 and 125 were taken up, amendments adopted, read third time, and passed.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Laine—An Act supplemental to and amendatory of an Act entitled an Act providing for the keeping of more complete records in the County of Santa Clara, and prescribing the duties of certain officers in relation thereto, approved March third, eighteen hundred and seventy-four; and an Act to regulate the fees of the County Recorder of Santa Clara County, approved March third, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Hopkins—An Act supplementary to and amendatory of an Act entitled an Act supplementary to an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy, approved April first, eighteen hundred and seventy-two.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Roach—An Act relative to the City Hall Commission of San Francisco.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Edgerton—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure of California.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Also, an Act to amend section five hundred and twenty-nine of the Code of Civil Procedure of California.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

#### COMMUNICATION.

The President presented the following communication:

CALIFORNIA STATE LIBRARY,  
SACRAMENTO, March 27th, 1874. }

Hon. R. PACHECO, *President of the Senate*:

DEAR SIR: Will you please notify the body over which you have the honor to preside, that I am required to report to the Controller, before the end of the session, the condition of the accounts of members and attachés of the Legislature with the State Library for books drawn therefrom, and that it is the duty of the Controller, in settling the accounts of such members and attachés, to withhold the warrants of all delinquents until their accounts with the Library are fully settled.

Yours, respectfully,

ROBERT O. CRAVENS,  
State Librarian.

#### REPORT.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 146—An Act relative to apprentices and masters;

Also, Senate Bill No. 478—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals in the County of Colusa, approved March twenty-eighth, eighteen hundred and seventy-two;

Also, Senate Bill No. 507—An Act to annex the territory comprised

in the present County of Klamath to the Counties of Humboldt and Siskiyou;

Also, Senate Bill No. 322—An Act to exempt firemen in Nevada and Siskiyou Counties from the payment of poll tax;

Also, Senate Bill No. 275—An Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city;

Also, Senate Bill No. 398—An Act to add a section to the Political Code of the State of California, providing for the official custody of the bonds of County Clerks;

Also, Senate Bill No. 519—An Act relative to a special school tax in the Sutter Creek School District;

Also, Senate Bill No. 434—An Act to amend sections six hundred and sixteen and six hundred and seventeen of the Political Code;

Also, Senate Bill No. 308—An Act to amend sections eight hundred and forty-five and eight hundred and forty-nine of an Act entitled an Act to establish a Code of Civil Procedure;

Also, Senate Bill No. 484—An Act relating to streets and roads in the City and County of Sacramento;

Also, Senate Bill No. 523—An Act to aid the establishment of a Law Library in the City of San José;

And have presented the same to the Governor for his approval, this day, at one o'clock P. M.

McMURRY, Chairman.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. McKusick, the rules were suspended to take up Assembly Bill No. 518—An Act to provide for the redemption of the bonded indebtedness of El Dorado County.

Amendments adopted, read third time, and passed.

On motion of Mr. Edgerton, the special order set for three o'clock was postponed until half-past three o'clock P. M.

[Mr. Perkins in the chair.]

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 27th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 253—An Act for the relief of Catherine Connolly.

Also, Senate Bill No. 417—An Act to abolish the office of Architect of the State Capitol building.

Also, Senate Bill No. 440—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers of the County of Merced.

Also, Senate Bill No. 258—An Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government.

Also, Senate Bill No. 50—An Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa.

Also, Senate Bill No. 363—An Act concerning submarine sites for lighthouses, and other aids to navigation, on the coast of this State.

Also, Senate Bill No. 349—An Act to authorize the Controller of State to issue duplicate warrants.

Also, Senate Bill No. 380—An Act to aid in the improvement of the lands of the State Agricultural Society.

Also, Senate Bill No. 407—An Act for the protection of buoys and beacons.

Also, Senate Bill No. 269—An Act fixing the salaries of certain officers of San Luis Obispo, Santa Barbara, and Ventura Counties.

Also, Senate Bill No. 394—An Act to provide for the payment of certain road indebtedness of Tuolumne County.

Also, Senate Bill No. 379—An Act to amend section three hundred and ninety-seven of the Penal Code.

Also, Senate Bill No. 471—An Act relating to officers and fees of office in San Diego, San Bernardino, and Los Angeles Counties.

NEWTON BOOTH,  
Governor.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 27th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, amended and passed Senate Bill No. 381—An Act to amend sections three thousand nine hundred and seventy-seven and three thousand nine hundred and eighty-five of the Political Code.

Also, passed Senate Bill No. 506—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

Also, on this day, passed Senate Bill No. 515—An Act to amend the Political Code.

Also, amended and passed Senate Bill No. 316—An Act to amend certain sections and to repeal certain sections of the Political Code relating to the government of the State Normal School.

Also, on this day, adopted report of Committee of Conference on Assembly Bill No. 578—An Act to authorize the Board of Education of the City and County of San Francisco to lease a school lot in said city, and to authorize the issuance of school bonds for the purchase of sites and the erection of school buildings in said city and county.

Also, adopted report of Committee of Conference on Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code.

Also, on this day, passed Assembly Bill No. 759—An Act authorizing the Board of Regents of the University of California, to audit and pay a certain claim.

Also, concurred in Senate amendments to Assembly Bill No. 340.

JOHN WEBBER,  
Assistant Clerk.



ASSEMBLY CHAMBER,  
March 27th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended and passed Senate Bill No. 525—An Act to authorize the Board of Supervisors of the City of San Francisco to pay the damage awards to certain owners of property in the matter of opening Second street.

Also, appointed Messrs. Snyder, Meyers, and Fahey as Committee of Conference on Assembly Bill No. 147—An Act to amend the Political Code in relation to highways.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 381, above reported, Assembly amendments concurred in.

Senate Bill No. 316, above reported, Assembly amendments concurred in.

Senate Bill No. 525, above reported, Assembly amendments concurred in.

Assembly Bill No. 759, above reported, read first and second times, and referred to the Committee on Claims.

#### SPECIAL ORDER, THREE O'CLOCK P. M.

Motion to reconsider vote indefinitely postponing Senate Bill No. 460—An Act to continue and complete the investigation into certain land frauds.

Mr. Oulton moved to indefinitely postpone the motion to reconsider, on which the ayes and noes were demanded by Messrs. Finney, McMurry, and DeHaven, and the motion was indefinitely postponed, by a vote as follows:

AYES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, Duffy, Dyer, Evans, Farley, Gibbons, Graves, Hendricks, Hopkins, Kent, Keys, Laine, Martin, McCune, Oulton, Perkins, and Turner—22.

NOES—Messrs. DeHaven, Eakin, Finney, Fraser, Irwin, Lindsey, McCoy, McKusick, McMurry, Neff, O'Connor, Roach, and Spencer—13.

By Mr. Goodale:

#### REPORT.

Mr. PRESIDENT: The Committee of Free Conference on Assembly Bill No. 147—An Act to amend the Political Code relative to highways—after consultation, recommend that the Senate adhere to its amendment to section thirty-eight, and that the following counties be added to said section thirty-eight, line eight, after the word "Plumas:" "Sacramento, Sutter, Mendocino, Mariposa, and Alameda."

GEO. S. EVANS,  
B. F. TUTTLE,  
DAVID GOODALE,  
Senate Committee.

E. FAHEY,  
J. W. SNYDER,  
SAMUEL MEYERS,  
House Committee.

Adopted.

Mr. Irwin reported Assembly Bill No. 767—An Act supplemental to an Act making appropriation for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four—recommending its passage.

Rules suspended, and considered in Committee of the Whole.

In Senate, read third time, and passed.

By Mr. McKusick—Assembly Bill No. 472—An Act to encourage the planting and cultivation of oysters—recommending its passage.

#### RESOLUTION.

Mr. Evans offered a resolution, as follows:

*Resolved by the Senate, the Assembly concurring, That Joint Rule Number Fifteen of the Senate and Assembly be and the same is hereby rescinded.*

Laid over one day.

#### GENERAL FILE.

Senate Bill No. 481—An Act to amend section one hundred and sixty-seven of the Civil Code.

Read third time and passed.

Assembly Bill No. 462—An Act to amend the Penal Code.

Indefinitely postponed.

Assembly Bill No. 332—An Act to create a permanent Commission on law codification.

Indefinitely postponed.

Assembly Bill No. 609—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts.

Indefinitely postponed.

Assembly Bill No. 502—An Act to add two additional sections to the Penal Code.

Indefinitely postponed.

Senate Bill No. 389—An Act to prevent the adulteration of food, drinks, and drugs.

Indefinitely postponed.

On motion of Mr. Duffy—Senate Bill No. 462—An Act concerning the management of State Prisons—was made a special order for to-morrow evening at half-past seven o'clock.

#### SPECIAL ORDER, HALF-PAST THREE O'CLOCK P. M.

Substitute for Senate Bills Nos. 150, 165, and 214—An Act to create a Board of Transportation Commissioners, and to prevent extortions and discrimination in fares and freights on railroads within this State.

Mr. Edgerton moved that the Committee on Corporations be instructed to report Assembly Bill No. 396, and that the same be considered as a part of the special order.

Lost.

[The President in the chair.]

Mr. Irwin offered a substitute for Chapter III of the bill.

Mr. McCune offered an amendment to the amendment, as follows:

Amend section six, at end of section, as follows: "*Provided, that the*

shippers of grain shall load the same on the cars, and the railroad company shall unload it."

Lost.

On the amendment offered by Mr. Irwin, the ayes and noes were demanded by Messrs. Irwin, Pendegast, and Edgerton, the vote resulting as follows:

**AYES**—Messrs. Bartlett, Bush, Crane, DeHaven, Eakin, Edgerton, Farley, Goodale, Hendricks, Irwin, Laine, Lindsey, Martin, McCune, McMurry, O'Connor, Perkins, Roach, Spencer, and Tuttle—20.

**NOES**—Messrs. Andross, Beck, Boggs, Duffy, Dyer, Evans, Finney, Fraser, Garratt, Gibbons, Graves, Hopkins, Kent, Keys, McCoy, McKusick, Neff, Oulton, Pendegast, and Turner—20.

The President cast his vote in the affirmative, and the amendment was adopted.

Mr. Laine moved to strike out Chapter I of the bill.

On which the ayes and noes were demanded by Messrs. Oulton, Boggs, and McCoy, and the motion was lost, by a vote as follows:

**AYES**—Messrs. Eakin, Hendricks, Laine, Lindsey, Martin, McCune, Oulton, and Turner—8.

**NOES**—Messrs. Andross, Bartlett, Beck, Boggs, Bush, DeHaven, Duffy, Dyer, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hopkins, Irwin, Kent, Keys, McCoy, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, and Tuttle—31.

Mr. Goodale moved to reconsider the vote whereby the substitute offered by Mr. Irwin was adopted.

On which the ayes and noes were demanded by Messrs. Evans, Oulton, and Duffy, and the motion prevailed, by a vote as follows:

**AYES**—Messrs. Andross, Beck, Boggs, Bush, Duffy, Dyer, Evans, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hopkins, Kent, Keys, McCoy, McKusick, Neff, Oulton, Pendegast, and Spencer—22.

**NOES**—Messrs. Bartlett, DeHaven, Eakin, Edgerton, Farley, Hendricks, Irwin, Laine, Lindsey, Martin, McCune, McMurry, O'Connor, Perkins, Roach, Turner, and Tuttle—17.

On adopting the substitute of Mr. Irwin for Chapter III, the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

**AYES**—Messrs. Bartlett, Beck, DeHaven, Eakin, Edgerton, Farley, Fraser, Gibbons, Graves, Hendricks, Irwin, Martin, McCune, McKusick, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—22.

**NOES**—Messrs. Andross, Boggs, Bush, Crane, Duffy, Dyer, Evans, Finney, Garratt, Goodale, Hopkins, Kent, Keys, Laine, Lindsey, McCoy, McMurry, and Oulton—18.

Mr. Pendegast moved to make the bill a special order for to-morrow, at eleven o'clock A. M.

Lost.

Mr. Laine moved to indefinitely postpone the bill.

Lost.

Mr. Irwin moved to suspend the rules to consider the bill engrossed and place it on its final passage.

On which the ayes and noes were demanded by the requisite number, and the motion was lost, by the following vote:

**AYES**—Messrs. Bartlett, Bush, DeHaven, Eakin, Edgerton, Farley, Hendricks, Irwin, Laine, Lindsey, Martin, McCune, McMurry, O'Connor, Perkins, Roach, and Tuttle—17.

**NOES**—Messrs. Andross, Beck, Boggs, Duffy, Dyer, Evans, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hopkins, Kent, Keys, McCoy, McKusick, Neff, Oulton, Pendegast, Spencer, and Turner—22.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Evans, Duffy, and Farley, and it was ordered engrossed, by a vote as follows:

**AYES**—Messrs. Beck, Boggs, Bush, DeHaven, Duffy, Dyer, Eakin, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, McKusick, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—28.

**NOES**—Messrs. Andross, Bartlett, Crane, Edgerton, Garratt, Laine, Lindsey, Martin, McCoy, McCune, McMurry, and Oulton—12.

Mr. Farley moved that the bill be made the special order for to-morrow, at eleven o'clock P. M.

Carried.

At six o'clock and five minutes P. M., on motion of Mr. Pendegast, the Senate took a recess until seven o'clock and thirty minutes P. M.

#### EVENING SESSION.

At seven o'clock and thirty minutes P. M. the Senate reassembled.

The President in the chair.

Roll called, and a quorum present.

#### REPORT.

Mr. Pendegast submitted a report, as follows:

**MR. PRESIDENT:** The Committee of Conference on Assembly Bill No. 509—An Act to authorize the Board of Supervisors of Lake County to lease a certain toll road in said county, and for other purposes—beg leave to report the same back, and recommend that the Senate recede from its amendment.

WELCH,  
THOMAS,  
House Committee.

PERKINS,  
TUTTLE,  
Senate Committee.



## SPECIAL FILE.

Assembly Bill No. 328—An Act in relation to the formation of a new swamp land district.

Read third time, and upon the passage of the bill, the ayes and noes were demanded by Messrs. Boggs, Edgerton, and Lindsey, and it passed, by a vote as follows:

AYES—Messrs. Crane, DeHaven, Duffy, Edgerton, Finney, Fraser, Goodale, Hendricks, Irwin, Lindsey, Martin, McCoy, McKusick, Neff, Pendegast, Perkins, Roach, and Spencer—18.

NOES—Messrs. Andross, Bartlett, Boggs, Bush, Evans, Farley, Gibbons, Graves, Hopkins, Kent, Keys, Laine, McCune, O'Connor, and Tuttle—15.

[Mr. Tuttle in the chair.]

Senate Bill No. 496—An Act to authorize the City of Oakland to obtain a supply of water.

Amended.

Mr. Gibbons moved to suspend the rules, to consider the bill engrossed, and place it on its final passage; on which the ayes and noes were demanded by Messrs. Gibbons, Duffy, and Bush, and the motion prevailed, by a vote as follows:

AYES—Messrs. Bartlett, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Finney, Fraser, Gibbons, Goodale, Graves, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McMurry, Neff, Perkins, and Spencer—25.

NOES—Messrs. Beck, Farley, Garratt, O'Connor, Oulton, and Roach—6.

Read third time, and passed.

Mr. McMurry offered a resolution, as follows:

*Resolved*, That during the remainder of this session, no Senator shall speak longer than five minutes at any one time, nor more than twice on the same question.

Adopted.

Assembly Bill No. 246—An Act to regulate and govern the California State Prison, was taken up, and made special order for half-past ten o'clock A. M., to-morrow.

[President pro tem. in the chair.]

On motion of Mr. Tuttle, Substitute for Assembly Bills Nos. 1 and 26 was made special order for to-morrow, at twelve o'clock M.

Assembly Bill No. 391—An Act to repeal an Act entitled an Act to amend an Act amendatory of and supplemental to an Act regulating rodeos.

Read third time, and passed.

Assembly Bill No. 301—An Act to protect agriculture, and to prevent the trespassing of animals in the County of Tehama.

Read third time, and passed.

Assembly Bill No. 665—An Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin.

Read third time, and passed.

Assembly Bill No. 620—An Act in relation to suits against the County of Marin for damages on account of laying out public roads.

Read third time, and passed.

Assembly Bill No. 642—An Act to authorize the Mayor and Common Council of Salinas City to build a school house, and to provide for a fire department in said city, to issue bonds therefor, and to provide for the payment of the same.

Read third time, and passed.

Assembly Bill No. 551—An Act to provide for the payment of an outstanding warrant drawn by the Auditor of the County of Yolo against the Swamp Land District Fund of District Number Eighteen.

Read third time, and passed.

Assembly Bill No. 683—An Act for the relief of Joseph Legget, of the City and County of San Francisco.

Read third time, and passed.

#### REPORT.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Contingent Expenses have had under consideration a resolution to pay expense of Thomas Fraser in contested election case of Gildea v. Fraser, and report the same back, and recommend that it pass. At the same time have had under consideration a resolution relative to expense of Chas. Gildea, in the case of Gildea v. Fraser, and would respectfully report that the committee have examined Mr. Gildea, and find from his statement that the said expenses amount to the sum of nine hundred and fifty dollars.

McMURRY, Chairman.

*Resolved*, That the sum of three hundred and fifty dollars be allowed Thomas Fraser for money expended and expenses incurred in the contested election case of Gildea v. Fraser, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Farley offered the following resolution:

*Resolved*, That the sum of nine hundred and fifty dollars is hereby appropriated out of the Contingent Fund of the Senate, to Charles Gildea, to pay his expenses in the contested election case of Gildea vs. Fraser, and the Controller of State is hereby authorized to draw his warrant in favor of Charles Gildea for said amount.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Finney, Laine, and Goodale, and it was lost, by a vote as follows:

AYES—Messrs. Beck, Duffy, Farley, Hendricks, Hopkins, Kent, Keys, McCoy, O'Connor, Pendegast, and Roach—11.

NOES—Messrs. Bartlett, Bush, Crane, Edgerton, Evans, Finney, Garratt, Goodale, Irwin, Laine, Lindsey, Martin, McCune, McMurry, Neff, Oulton, and Spencer—17.

Assembly Bill No. 690—An Act amendatory of an Act entitled an Act to prevent hunting and shooting on private grounds, and the destruction of growing timber on private grounds, in certain counties in this State, approved March eighth, eighteen hundred and seventy-two.

Read third time, and passed.

Assembly Bill No. 692—An Act to prevent the destruction of property from camp fires and firearms in the Counties of Monterey and San Benito.

Read third time, and passed.

Assembly Bill No. 712—An Act to ratify and confirm Order Number Eleven Hundred and Thirty-nine of the Board of Supervisors of the City and County of San Francisco.

Read third time, and passed.

Assembly Bill No. 736—An Act to change the name of the Town of New Republic to that of Santa Rita.

Read third time, and passed.

Assembly Bill No. 647—An Act amendatory of an Act entitled an Act to provide for the protection of certain lands in Sutter County from overflow.

Read third time, and passed.

Assembly Bill No. 735—An Act to amend an Act entitled an Act to protect agriculture, etc., in the Counties of Fresno, etc.

Read third time, and passed.

Senate Bill No. 503—An Act to authorize the Board of Supervisors of the City and County of San Francisco to investigate and settle warrants issued by the Laguna Survey Commission.

Indefinitely postponed.

Assembly Bill No. 719—An Act to encourage the destruction of wild animals in the Counties of Monterey and San Benito.

Indefinitely postponed.

By Mr. Goodale:

MR. PRESIDENT: The Contra Costa delegation report back Assembly Bill No. 767—An Act to grant certain wharf privileges in Contra Costa County—and ask its reference to the Committee on Corporations.

GOODALE, for Delegation.

So ordered.

On motion of Mr. Edgerton, the rules were suspended to take up Senate Bill No. 502.

The bill was made a special order for to-morrow, at twelve o'clock and thirty minutes P. M.

Mr. Farley verbally reported Substitute for Senate Bill No. 446—An Act to incorporate the Town of Sutter Creek.

Rules suspended, bill taken up, substitute adopted, rules further suspended, considered engrossed, read third time, and passed, and ordered transmitted to the Assembly without engrossment.

#### GENERAL FILE RESUMED.

Assembly Bill No. 402—An Act to quiet the title to certain lands.

Amendments adopted, read third time, and passed.

Assembly Bill No. 281—An Act for the relief of John C. Burgess and Orrin Champlin.

Amendments agreed to in committee adopted, read third time, and passed.

Senate Bill No. 144—An Act for the redemption of unused and uncanceled stamps heretofore sold by the State of California.

Substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 457—An Act to amend an Act entitled an Act to amend sections three hundred and six and three hundred and seven of the Penal Code, approved March tenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

#### REPORTS.

Reports were submitted, as follows:

By Mr. Garratt:

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 536—An Act for the relief of purchasers of City Hall lots, in the City and County of San Francisco—report the same back with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 534—An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco, approved March twenty-eighth, eighteen hundred and seventy-two—report the same back, and recommend it do not pass.

GARRATT, for Delegation.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 27th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under a suspension of the rules, and ordered the same transmitted without engrossment, Assembly Bill No. 773—An Act to fix the amount of the bonds of the Tax Collector of Lake County, and to amend section four thousand one hundred and twenty-two of the Political Code, so far as the same affects said county.

Also, Assembly Bill No. 774—An Act concerning the Supervisors of Sacramento County.

Also, Substitute for Assembly Bill No. 218—An Act to redistrict the City and County of San Francisco, and to provide for the election of Supervisors therein.

Also, on this date, passed Substitute for Senate Bill No. 492—An Act to add two sections to the Political Code of California.

Also, adopted Senate Concurrent Resolution No. 64—tendering thanks of the Legislature to Samuel J. Bridge.

Also, on yesterday, passed Assembly Bill No. 732—An Act authorizing the Controller of State to credit certain counties with the amounts of old balances due the State.



Also, passed Assembly Bill No. 633—An Act to prevent discrimination against female teachers.

Also, passed Assembly Bill No. 752—An Act to provide for the further construction of the City Hall in the City and County of San Francisco.

Also, passed Assembly Bill No. 592—An Act to legalize and confirm certain ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits.

Also, on this day, adopted Assembly Concurrent Resolution No. 59—to suspend Joint Rule Number Fifteen.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 27th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under a suspension of the rules, and ordered transmitted without engrossment, Assembly Bill No. 776—An Act providing for a Paid Fire Department, in the City and County of San Francisco.

Also, Assembly Bill No. 777—An Act to authorize the Board of Supervisors of the City and County of San Francisco, to appoint a messenger to the Board of Fire Commissioners of said city and county.

Also, passed Senate Bill No. 541—An Act supplemental to and amendatory of an Act entitled an Act providing for the keeping of more complete records in the County of Santa Clara, and prescribing the duties of certain officers in relation thereto, approved March twenty-third, eighteen hundred and seventy-four, and an Act to regulate the fees of the County Recorder of Santa Clara County, approved March third, eighteen hundred and seventy-four.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 27th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 725—An Act supplemental to an Act entitled an Act to provide for the redemption of the bonded indebtedness of Calaveras County, approved March thirtieth, eighteen hundred and seventy-two.

Also, concurred in Senate amendments to Assembly Bills Nos. 746, 541, 66, 126, 741, 460, 205, and 518.

Also, adopted the report of the Committee of Conference on Assembly Bill No. 147.

Also, appointed Messrs. Freeman, Murphy, and Friedenrich as Committee of Conference on Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years.

Also, appointed Messrs. Amerman, Swift, and McCallum as a Committee of Conference on Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth,

eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 776, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 777, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 752, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 774, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 725, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 218, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 592, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 633, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 732, above reported, read first and second times, and referred to the Committee on Finance.

Assembly Concurrent Resolution No. 59, above reported, made the special order for three o'clock P. M. to-morrow.

Assembly Bill No. 773, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Bill No. 492, above reported, referred to the Judiciary Committee.

At eleven o'clock and twenty minutes P. M., on motion of Mr. Laine, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER,  
Saturday, March 28th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday was being read.

On motion of Mr. Irwin, the further reading of the Journal was dispensed with.

The rules were suspended and the Chair authorized to appoint a committee of three, to examine, with the Minute Clerk, the proceedings that had not been read. The President appointed Messrs. DeHaven, Turner, and Bush, as such committee.

## REPORTS.

Reports were submitted, as follows:

By Mr. Finney:

MR. PRESIDENT: Your Committee on Agriculture respectfully report that they have had under consideration Assembly Bill No. 723, and recommend that it do not pass.

Also, Assembly Bill No. 553, report the same to the Senate, and majority recommend its passage.

Also, Assembly Bill No. 208, and recommend that it do not pass.

Also, Senate Bill No. 347, and recommend that it do not pass.

The committee also herewith return the remonstrances referred to it, and not heretofore returned.

FINNEY, Chairman.

Rules suspended, and Assembly Bill No. 723, above reported, taken up, and indefinitely postponed.

Also, Assembly Bill No. 208, above reported, taken up, and indefinitely postponed.

Also, Senate Bill No. 347, above reported, taken up, and indefinitely postponed.

By Mr. Perkins:

MR. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 490—An Act for the relief of William H. Bell and William Cocheran. This claim is for contingent expenses and office rent of Stamp Inspectors for the year eighteen hundred and seventy-two. It has been the custom of the Legislature to appropriate the sum of three hundred dollars annually for contingent expenses of the Stamp Commissioners. The nineteenth session of the Legislature, knowing that by the adoption of the Codes the stamp tax would expire on the thirty-first day of December, eighteen hundred and seventy-two, and with it the office of Stamp Commissioner, failed to make an appropriation for the months of July to December, eighteen hundred and seventy-two, inclusive.

The Commissioners, Bell and Cocheran, have not presented any bills or vouchers showing that any money was actually expended for this purpose. The committee realize that it has been the custom of many State officials to consider that when an appropriation has been made for contingent expenses for any particular office, that they should endeavor by some means to consume it, which custom the committee think is in direct violation of the spirit of the law, unless the actual expenses of the office should require its use. We are of the opinion that the duties of the Commission for the six months mentioned were merely nominal, and in view of the fact that they received during this time the sum of two thousand six hundred and twenty-seven dollars and eighty-eight cents for salaries and commissions, that they have no valid and just claim against the State for relief. We therefore respectfully report the bill back, with the recommendation that it do not pass.

Also, had under consideration Assembly Bill No. 759—An Act authorizing the Board of Regents of the University of California to audit and

pay a certain claim—and report the same back, and recommend its passage.

PERKINS, Chairman.

Rules suspended, and Senate Bill No. 490 taken up.

Indefinitely postponed.

By Mr. Pendegast—Assembly Bill No. 592—An Act to legalize and confirm certain ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits—recommending its passage.

Rules suspended, bill taken up, read third time, and passed.

Assembly Bill No. 717—An Act amendatory of and supplemental to an Act entitled an Act to provide for the purchase and construction of free bridges in Big Creek Township, in the County of Mendocino, approved March twenty-third, eighteen hundred and seventy-four—recommending its passage.

Rules suspended, bill taken up, read third time, and passed.

By Mr. Beek:

Mr. PRESIDENT: The Monterey delegation, to whom was referred Assembly Bill No. 567—An Act to declare Mono Cojo Slough, in Monterey County, navigable—report the same back, and recommend its passage.

BECK, for Delegation.

Rules suspended, bill taken up, read third time, and passed.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 511—An Act to amend section fifteen hundred and five of the Code of Civil Procedure;

Also, Senate Bill No. 535—An Act to authorize the Mayor and Common Council of the City of Los Angeles to pay certain warrants drawn on the Salary Fund;

Also, Senate Bill No. 539—An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma, approved March twenty-third, eighteen hundred and seventy-two;

Also, Senate Bill No. 452—An Act to provide for the collection of the unpaid taxes due for the fiscal years eighteen hundred and seventy-two—three and eighteen hundred and seventy-three—four;

Also, Senate Bill No. 334—An Act to authorize the Controller and Treasurer of State to transfer certain funds;

Also, Senate Bill No. 414—An Act legalizing the State tax and assessment in the several counties in eighteen hundred and seventy-two and eighteen hundred and seventy-three;

Also, Senate Bill No. 530—An Act to repeal an Act entitled an Act to authorize the City of San José to issue bonds to provide sewerage for said city;

Also, Senate Bill No. 508—An Act levying a State tax for State purposes for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof;



Also, Senate Bill No. 533—An Act to provide for the construction of bridges across the San Lorenzo and Pajaro Rivers;

Also, Senate Bill No. 491—An Act to amend and revise an Act entitled an Act to incorporate the Town of Redwood, approved March twenty-seventh, eighteen hundred and sixty-eight, and the several Acts amendatory thereof and supplementary thereto, and for other purposes;

Also, Senate Bill No. 405—An Act to enforce the educational rights of children;

Also, Senate Bill No. 525—An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the damages awarded to certain owners of property in the matter of the opening of Second street, commonly known as the Second street Cut;

And presented the same to the Governor for his approval, on yesterday, the twenty-seventh instant, at eight o'clock and forty-five minutes P. M.

And at the same time delivered to the Governor Senate Concurrent Resolution No. 60—recommending certain persons to the Governor for pardon.

McMURRY, Chairman.

By Mr. Irwin:

Mr. PRESIDENT: The Committee on Finance, to whom was referred Assembly Bill No. 732—An Act authorizing the Controller of State to credit certain counties with the amounts of old balances due the State—have had the same under consideration, and now report it back, with the recommendation that it pass.

IRWIN, Chairman.

Rules suspended, bill taken up, read third time, and passed.

Mr. Irwin, by leave, introduced a bill, as follows: An Act to pay officers and clerks of the Senate and Assembly of the twentieth session.

Read first and second times, and considered in Committee of the Whole.

In Senate, rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 27th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 519—An Act relative to a special school tax in the Sutter Creek School District.

Also, Senate Bill No. 484—An Act relating to streets and roads in the City and County of Sacramento.

Also, Senate Bill No. 523—An Act to aid the establishment of a law library in the City of San José.

Also, Senate Bill No. 500—An Act directing the payment of the claim of George Durand against Siskiyou County.

Also, Senate Bill No. 275—An Act to authorize the City Clerk of the

City of Placerville to execute certain trusts in relation to the lands granted to said city.

Also, Senate Bill No. 489—An Act to authorize the Board of Supervisors of Contra Costa County to levy a special tax.

Also, Senate Bill No. 468—An Act supplemental to an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Also, Senate Bill No. 467—An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

Also, Senate Bill No. 473—An Act to fix the salary of the County Recorder of the County of Placer.

Also, Senate Bill No. 494—An Act to authorize Chico School District to issue bonds for building purposes.

Also, Senate Bill No. 521—An Act to fix the salaries and compensation of certain officers of Butte County.

Also, Senate Bill No. 401—An Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of the State.

Also, Senate Bill No. 322—An Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, and Siskiyou Counties from the payment of poll tax.

Also, Senate Bill No. 74—An Act to establish the county line between the Counties of Fresno and Tulare.

Also, Senate Bill No. 100—An Act to amend an Act entitled an Act amend an Act entitled an Act to regulate the fees and salaries of officers and defining their duties in the County of El Dorado, and other matters relating thereto, approved March fifth, eighteen hundred and seventy, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, Senate Bill No. 497—An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Shasta.

Also, Senate Bill No. 413—An Act for the relief of M. B. Pond.

Also, Senate Bill No. 390—An Act to abolish attorneys' fees and other charges in foreclosure suits.

Also, Senate Bill No. 398—An Act to add a section to the Political Code of the State of California, providing official custody for the bonds of County Clerks.

Also, Senate Bill No. 156—proposed amendment to the Constitution.

Also, Senate Bill No. 522—An Act supplemental to an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to regulate fees of office and salaries of officers in Siskiyou County, approved March twelfth, eighteen hundred and seventy, approved February twenty-seventh, eighteen hundred and seventy-four.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 27th, 1874. }

*To the Senate of the State of California:*

I respectfully return to your honorable body Senate Bill No. 301—An Act to divide the County of Solano, and to erect within the present limits of said county, a new county, to be known as Vallejo County—without approval.

For the first time in the history of the State it is proposed to create a county against the unanimous wish of the citizens thereof; to give it a government for two years by executive appointment; to assess its taxes and collect all its revenues for one year by the officers of the county from which it is detached, while, under the theory of the bill, it has legal officers of its own for that purpose; and to limit the area of the county created to about twenty square miles. Such a marked departure from the established policy of the State, it seems to me, can only be justified by the gravest necessity.

Perhaps the provisions of the bill are nearly as perfect as can be devised for providing running machinery for a county government for an unwilling people, but the necessary result is that the people themselves would have no voice in the selection of their own officers for two years, and their government would be administered like that of a province of royalty.

It is urged that the establishment of the Navy Yard at Vallejo is a disturbing element in politics. If that be true, the bill to relieve Solano would increase and intensify the evil upon the bona fide residents of Vallejo. Whatever temporary wrongs may have been inflicted by the "floating vote" at the Navy Yard, they can hardly be of a nature to justify the State in declaring in effect that the policy of the General Government is so fatally defective, a national establishment for the common defence ought to be abated as a nuisance.

Section three of the bill, which attaches the County of Vallejo to the Seventeenth Senatorial District, might be changed by a supplemental Act to conform to the apportionment made since the present bill was introduced, but at the present stage of the session, the fate of any new bill is uncertain; and as the section now reads, it is in violation of the constitutional provision, which requires the counties of each Senatorial district to be contiguous, and would deprive the citizens of the new county of any representation in the Senate. Questions concerning the removal of county seats and the division of counties, are those of all others which engender the greatest personal feeling and strongest animosity. I may be pardoned for saying that any legislation, while such feelings are at their height, is apt to be hasty, and to become a source of regret, if not of injustice, and certain to result in disastrous litigation. The question of such a division of Solano County as the one proposed, is comparatively a new one. I need not refer to the circumstances that gave rise to it. I have too high a respect for the people of every portion of this State to suppose the decision of any political question will permanently render good neighborhood impossible. If, when the feelings of the hour have passed, it is the "sober second thought" that there is such a difference of sentiment or interest between the people of Vallejo Township and the residue of Solano County as to require the enactment of a law like this, its provisions can be calmly matured and deliberately



considered, so that those who have lived neighbors may at least part friends.

NEWTON BOOTH,  
Governor.

Mr. McCune moved to make the consideration of the Governor's message a special order for Monday, the thirtieth instant, at eleven o'clock A. M.

Lost.

Upon the question, "Shall the bill become a law, notwithstanding the objections of the Governor?" the roll was called, and the Senate refused to pass the bill, by a vote as follows:

AYES—Messrs. Andross, Beck, Bush, Dyer, Eakin, Irwin, Martin, McCoy, McCune, McKusick, and O'Connor—11.

NOES—Messrs. Bartlett, Crane, DeHaven, Duffy, Edgerton, Evans, Fraser, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Kent, Laine, Lindsey, Neff, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—24.

Mr. Roach, by consent, withdrew his notice of a motion to reconsider the vote whereby the Senate refused to pass Assembly Bill No. 595.

Mr. Garratt, by leave, introduced a bill, as follows:

An Act to authorize the City and County of San Francisco to provide and maintain public waterworks, and to condemn and purchase private property for that purpose.

Read first and second times.

On motion of Mr. Garratt, the special order set for ten o'clock and thirty minutes A. M., was postponed to consider the bill he introduced.

Rules suspended, and the bill taken up, amendments agreed to in Committee of the Whole adopted, rules further suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

[President pro tem. in the chair.]

SPECIAL ORDER, AT TEN O'CLOCK AND THIRTY MINUTES A. M.

Assembly Bill No. 246—An Act to regulate and govern the California State Prison.

Amendments agreed to in the Committee of the Whole adopted.

Mr. Tuttle offered to amend:

Strike out sixth subdivision and insert the following: "The Directors may, in their own discretion, let by contract or otherwise, at such rates per day as they may be able to obtain, and for such periods of time as to them may seem best for the interest of the State; but no such contract shall extend beyond the term of their own appointment."

On which the ayes and noes were demanded by Messrs. Tuttle, Edgerton, and Evans, and the Senate refused, by a vote as follows:

AYES—Messrs. Eakin, Farley, Goodale, Irwin, McCoy, Oulton, Perkins, and Tuttle—8.

NOES—Messrs. Andross, Bartlett, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Edgerton, Evans, Finney, Fraser, Garratt, Gibbons, Graves, Kent, Keys, Laine, Lindsey, Martin, McCune, McKusick, Neff, O'Connor, Pendegast, Roach, Spencer, and Turner—28.



Read third time, and passed.

[President in the chair.]

Mr. Farley reported Assembly Bill No. 655, requesting its reference to the Santa Cruz delegation.

So ordered.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 28th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, amended and passed Senate Bill No. 307—An Act to amend the Political Code in reference to the boundaries of Alameda County.

Also, indefinitely postponed Senate Bill No. 378—An Act to amend an Act to establish a State Printing Office, and to create the office of Superintendent of Public Printing, approved March twenty-sixth, eighteen hundred and seventy-two.

Also, on the twenty-sixth instant, passed Assembly Bill No. 730—An Act authorizing the Board of Supervisors of San Mateo County to construct and maintain a county road in said county.

Also, passed Assembly Bill No. 689—An Act to provide for the construction of a railroad from Suisun, in the County of Solano, to Lakeport, in the County of Lake, and to regulate fares and freights thereon.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 28th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 446—An Act to incorporate the Town of Sutter Creek.

Also, amended and passed Senate Bill No. 162—An Act granting privileges to the North Beach and Mission Railroad Company.

Also, on yesterday, amended and passed Senate Bill No. 436—An Act to legalize certain proceedings in Reclamation District Number One Hundred and Twenty-four.

Also, on this day, passed Assembly Bill No. 770—An Act making appropriations for benevolent purposes, and to provide for certain deficiencies.

Also, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 606—An Act to authorize the Supervisors of Fresno County to extend the time for the completion of certain improvements.

Also, Assembly Bill No. 728—An Act to amend section thirty-nine hundred and fifty-two of the Political Code, and to better define the boundary line of Santa Clara County.

Also, passed Senate Bill No. 546—An Act to pay officers and clerks of the Senate and Assembly for the twentieth session.

Also, refused to concur in Senate amendments to Assembly Bill No. 301—An Act to protect agriculture, and to prevent the trespassing of animals in the County of Tehama.

Also, refused to concur in Senate amendments to Assembly Bill No. 647—An Act amendatory to the Act entitled an Act to provide for the protection of certain lands in Sutter County from overflow, approved March twenty-fifth, eighteen hundred and sixty-eight, and to the Act supplementary thereto, approved March thirtieth, eighteen hundred and seventy-two.

Also, concurred in Senate amendments to Assembly Bills Nos. 551, 281, and 402.

Also, passed Assembly Bill No. 771—An Act to locate the county seat of Solano County.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 28th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 779—An Act to regulate fees of office in the City and County of San Francisco.

Also, Assembly Bill No. 780—An Act to create a Board of Auditors for El Dorado County, and fix the powers thereof.

Also, Assembly Bill No. 781—An Act to levy taxes for county purposes, in the County of El Dorado.

Also, Assembly Bill No. 782—An Act to amend an Act entitled an Act to amend sections three thousand and nine and three thousand and ten of the Political Code, approved March twenty-third, eighteen hundred and seventy-four.

Also, Assembly Bill No. 784—An Act to provide for the execution and delivery of deeds to purchasers of City Hall lots in the City and County of San Francisco.

Also, Assembly Bill No. 785—An Act to amend sections thirty-seven hundred, thirty seven hundred and one, and thirty-seven hundred and two of the Political Code.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 730, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 689, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 606, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 728, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 784, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 779, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 770, above reported, read first and second times, and referred to the Committee on Finance.

Assembly Bill No. 782, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 785, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 781, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 780, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 301, above reported, Senate receded from its amendment.

Assembly Bill No. 771, above reported, read first and second times, and, on motion of Mr. Farley, the rules were suspended, and the bill referred to the Committee of the Whole.

In Senate, reported, and passage recommended, and on a motion to suspend the rules, to place the bill on its final passage, the ayes and noes were demanded by the requisite number, and it was so ordered, by a vote as follows:

**AYES**—Messrs. Andross, Beck, Bush, Dyer, Eakin, Evans, Farley, Finney, Goodale, Graves, Hendricks, Hopkins, Irwin, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Roach, Spencer, and Turner—26.

**NOES**—Messrs. Crane, DeHaven, Edgerton, Fraser, Garratt, Kent, Oulton, and Perkins—8.

Read third time, and passed.

Senate Bill No. 162, above reported, Assembly amendments concurred in.

Senate Bill No. 307, above reported, Assembly amendments concurred in.

Assembly Bill No. 647, above reported, Senate refused to recede from its amendment.

#### REPORTS.

Reports were submitted, as follows:

By Mr. Garratt:

**MR. PRESIDENT:** The San Francisco delegation, to whom was referred Substitute for Assembly Bill No. 218—An Act to redistrict the City and County of San Francisco, and provide for the election of Supervisors therefor—report the same back, and a majority of the delegation recommend it do not pass.

Also, Assembly Bill No. 752—An Act to provide for the further construction of the City Hall in the City and County of San Francisco—report the same back with an amendment, and recommend its passage as amended.

GARRATT, for Delegation.

By Mr. O'Connor:

**MR. PRESIDENT:** The Committee on State and County Revenue, to whom was referred Senate Bill No. 9—An Act to provide for the assessment of incumbered real estate;

Also, Senate Bill No. 128—An Act to amend section three thousand seven hundred and ninety-seven of the Political Code;

Also, Senate Bill No. 397—An Act regulating the fees of the Justices of the Peace in the several counties of this State;

Also, Senate Bill No. 482—An Act to amend certain sections, and to repeal others, of the Political Code of the State of California, so far as they relate to the collection of revenue in the County of Colusa;

Also, Assembly Bill No. 544—An Act amendatory of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved May fifth, eighteen hundred and seventy;

Have had the same under consideration, and would report them back, and recommend that they do not pass.

O'CONNOR, Chairman.

Mr. O'Connor introduced the following resolution:

WHEREAS, On the fourth day of December, eighteen hundred and seventy-three, the Senate passed the following resolution, to wit:

"Resolved, That the Secretary of State issue stationery to members and officers of the Senate only upon a requisition, which requisition shall specify the amount and character of stationery required, signed by the member or officer receiving the same; and he is hereby directed to keep a special account with each, reporting to the Senate the amount furnished each member or officer, at such times as the Senate may direct;" therefore,

Resolved, That the Secretary of State be authorized and required to report to the Senate on Monday, March thirtieth, eighteen hundred and seventy-four, the amount of stationery, and the character of the same, furnished by him to each member and officer of the Senate, from the first day of the present session to and including the twenty-eighth of March, eighteen hundred and seventy-four, in accordance with the provisions of the first mentioned resolution herein.

Adopted.

On motion of Mr. Edgerton, special order, Senate Bill No. 313, set for twelve o'clock, was postponed until three o'clock p. m.

By Mr. Beck:

MR. PRESIDENT: The Santa Cruz delegation, to whom was referred Assembly Bill No. 655, report the same back, and recommend its passage.

BECK, for Delegation.

On motion of Mr. Irwin, Assembly Bills Nos. 1 and 26, set as a special order for twelve o'clock, was postponed until two o'clock p. m.

Mr. Irwin moved to postpone the special order set for eleven o'clock a. m., which was not called up at that hour, to two o'clock and thirty minutes p. m., on which the ayes and noes were demanded by Messrs. Oulton, Lindsey, and Evans, resulting as follows:

AYES—Messrs. Bartlett, Beck, Bush, DeHaven, Duffy, Eakin, Evans, Farley, Fraser, Gibbons, Graves, Hendricks, Hopkins, Irwin, McCoy, McKusick, O'Connor, Pendegast, Perkins, Roach, Turner, and Tuttle—22.



**NOES**—Messrs. Andross, Boggs, Crane, Dyer, Edgerton, Finney, Garratt, Goodale, Kent, Laine, Lindsey, Martin, McMurry, Neff, Oulton, and Spencer—16.

The President decided that, as the bill had gone into unfinished business, it required a two thirds vote to take it up, and consequently the motion was lost.

Mr. Pendegast moved to suspend the rules, and make the bill a special order for four o'clock P. M., on which the ayes and noes were demanded by the requisite number. The motion prevailed, by the following vote:

**AYES**—Messrs. Bartlett, Beck, Bush, DeHaven, Dyer, Eakin, Evans, Farley, Fraser, Garratt, Gibbons, Graves, Hendricks, Hopkins, Irwin, Keys, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—29.

**NOES**—Messrs. Andross, Boggs, Crane, Duffy, Edgerton, Finney, Goodale, Kent, Laine, Lindsey, and Martin—11.

#### INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Edgerton—An Act to regulate the fees of Justices of the Peace and Constables in the County of Sacramento.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

By Mr. Tuttle—An Act to amend section five hundred and ninety-six of the Political Code.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Finney—An Act to amend section six hundred and thirty-four of the Penal Code.

Read first and second times, rules suspended, taken up, amended, read third time, and passed.

By Mr. Duffy—An Act to pay a claim against the State in favor of John Breuner.

Read first and second times, and referred to the Committee on Claims.

#### GENERAL FILE.

Assembly Bill No. 199—An Act in relation to the swamp and overflowed lands of this State.

Indefinitely postponed.

Senate Bill No. 118—An Act to enforce the responsibility of stockholders in corporations, as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations.

Indefinitely postponed.

Senate Bill No. 252—An Act to amend section three thousand six hundred and forty-four of the Political Code.

Indefinitely postponed.

Senate Bill No. 465—An Act supplementary to and amendatory of an Act entitled an Act providing for the disposition of certain property, approved April twenty-first, eighteen hundred and fifty-one.

Indefinitely postponed.

Senate Joint Resolution No. 57—concerning the survey of private land claims in California.

Ordered to head of Special File for this evening.

On motion of Mr. Edgerton, special order set for twelve o'clock and thirty minutes P. M., Senate Bill No. 502, was postponed until five o'clock P. M.

At one o'clock P. M. the Senate took a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

#### REPORTS.

By Mr. Neff:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Substitute for Senate Bills Nos. 150, 165, and 214—An Act to create a Board of Transportation Commissioners, and to prevent extortion and discrimination in fares or freights on railroads within this State.

NEFF, Chairman.

On motion of Mr. Evans, the special order set for two o'clock P. M., was postponed, to allow him to submit the following report:

MR. PRESIDENT: Your Committee of Free Conference on Assembly Bill No. 242, recommend:

1. That the Senate recede from the amendment made by it, striking out the appropriation for salaries for the State Board of Examiners.
2. That the House recede from its refusal to concur in Senate amendment making an appropriation for Saint Vincent Orphan Asylum, and do concur in said amendment.
3. That appropriations, as follows, be inserted in section one of the bill:

For salary of Controller of State, as member of the Board of Equalization, two thousand dollars;

For salaries of the two members of the Board of Equalization appointed by the Governor, nine thousand six hundred dollars;

For salary of Clerk of the Board of Equalization, three thousand six hundred dollars;

For traveling expenses of the Board of Equalization, six thousand dollars;

For the payment of armory, rents, and other expenses of the National Guard, as provided by law, sixty thousand dollars.

GEO. S. EVANS,  
W. J. GRAVES,  
W. W. PENDEGAST (all but first item),  
Senate Committee.

F. S. FREEMAN,  
I. F. FREIDENRICH,  
J. E. MURPHY,

House Committee.

Mr. Pendegast desired to be recorded as not concurring in the first item of the report, in reference to the State Board of Examiners.

Mr. Laine moved that each item in the report be taken up separately. So ordered.

Upon adopting section one, the ayes and noes were demanded by Messrs. Oulton, Irwin, and Tuttle, and the Senate refused to adopt the same, by a vote as follows:

AYES—Messrs. Andross, Crane, DeHaven, Evans, Finney, Fraser, Graves, Hendricks, Hopkins, Kent, Keys, Perkins, and Spencer—13.

NOES—Messrs. Bartlett, Boggs, Bush, Dyer, Eakin, Edgerton, Farley, Garratt, Gibbons, Goodale, Irwin, Laine, Lindsey, Martin, McCoy, McCune, McKusick, Neff, O'Connor, Oulton, Pendegast, Roach, Turner, and Tuttle—24.

“For salary of Controller of State as member of the Board of Equalization.”

The Senate refused to adopt.

Mr. McKusick subsequently moved to reconsider the vote taken above, on which the ayes and noes were demanded by Messrs. McKusick, De Haven, and Fraser, and the motion was lost, by a vote as follows:

AYES—Messrs. Andross, Boggs, Crane, DeHaven, Duffy, Fraser, Hendricks, Hopkins, Keys, Martin, McKusick, and Neff—12.

NOES—Messrs. Bartlett, Bush, Dyer, Eakin, Garratt, Gibbons, Goodale, Graves, Irwin, Laine, Lindsey, McCoy, McCune, McMurry, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—22.

“For salaries of two members of the Board of Equalization appointed by the Governor.”

The ayes and noes were demanded by Messrs. McKusick, Laine, and McCoy, and it was adopted, by a vote as follows:

AYES—Messrs. Andross, Boggs, Crane, DeHaven, Duffy, Dyer, Evans, Finney, Garratt, Goodale, Graves, Hopkins, Kent, Lindsey, Martin, Neff, Oulton, Pendegast, Perkins, Roach, and Spencer—21.

NOES—Messrs. Bartlett, Bush, Eakin, Farley, Fraser, Irwin, Keys, Laine, McCoy, McCune, McKusick, McMurry, O'Connor, Turner, and Tuttle—15.

“For salary of Clerk of Board of Equalization, three thousand six hundred dollars,” and “Traveling expenses of the Board of Equalization, six thousand dollars.”

The Senate refused to adopt.

“For payment of Armory rents, and other expenses of the National Guard, as provided by law.”

The ayes and noes were demanded by Messrs. Evans, Laine, and Bartlett, and it was adopted, by a vote as follows:

AYES—Messrs. Andross, Bartlett, Crane, Duffy, Dyer, Edgerton, Evans, Finney, Fraser, Garratt, Gibbons, Graves, Hopkins, Irwin, Kent, Keys, Martin, McCoy, McKusick, Neff, Pendegast, Perkins, Roach, and Spencer—24.

NOES—Messrs. Bush, DeHaven, Eakin, Farley, Goodale, Laine, Lindsey, McCune, McMurry, O'Connor, Oulton, Turner, and Tuttle—13.

On motion of Mr. Duffy, the special order, postponed to two o'clock, was again postponed, to take up

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 28th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 414—An Act legalizing the State tax and assessments in the several counties, in eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Also, Senate Bill No. 508—An Act levying a tax for State purposes, for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof.

Also, Senate Bill No. 264—An Act relating to mutual beneficial and relief associations.

Also, Senate Bill No. 334—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Also, Senate Bill No. 290—An Act to amend section one hundred and ninety of the Penal Code.

Also, Senate Bill No. 533—An Act to provide for the construction of bridges across the San Lorenzo and Pajaro Rivers.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 28th, 1874. }

*To the Senate of the State of California:*

I respectfully return to your honorable body Substitute for Senate Bill No. 183—An Act to remove from Henry Meiggs certain legal disabilities—without my approval.

The title would more clearly express the object of the bill if it read: "An Act to remove from Henry Meiggs certain legal liabilities."

The reasons for withholding approval from the bill can scarcely be more strongly stated than by a recital of its provisions. They are as follows:

"SECTION 1. Any Court having jurisdiction in the premises, is hereby authorized and directed to order to be dismissed, upon proper motion therefor, any indictment that may have been heretofore or which may hereafter be found against Henry Meiggs, formerly a resident of this State, and now of South America, for offenses committed in this State prior to January first, eighteen hundred and fifty-five.

"SEC. 2. It shall not be lawful for any Grand Jury of any county in this State to hereafter present any bill of indictment for any offense



committed by the aforementioned Henry Meiggs, in this State, prior to the first day of January, A. D. eighteen hundred and fifty-five.

"SEC. 3. This Act shall take effect immediately."

If all men are equal before the law, a bill which elects one and places him above the law, cannot be justified. If the Legislature can order a Court "having jurisdiction in the premises" to dismiss an indictment in any case, it can in every, and the administration of justice would be transferred from the judicial to the political forum. If the Legislature can prohibit the Grand Juries of the State from presenting any bill of indictment against one man, the oath to be administered to them should be changed to conform to the provisions of this bill, and read: "You shall diligently inquire into and true presentment make of all public offenses against the people of this State, committed or triable within this county, of which you have or can obtain legal evidence—except in the case of Henry Meiggs." The bill is in the nature of a legislative pardon before conviction—a condonement of all offenses. As an assertion of State policy, it is in my opinion without a parallel, and in so far as it establishes a precedent, is in violation of sound principle.

NEWTON BOOTH,  
Governor.

Upon the question, "Shall the bill become a law notwithstanding the objections of the Governor?" the roll was called, and the bill passed, by the following Constitutional majority:

AYES—Messrs. Andross, Bartlett, Beck, Duffy, Dyer, Eakin, Evans, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Kent, Keys, Martin, McCoy, McCune, McMurry, Neff, O'Connor, Pendegast, Roach, Spencer, and Turner—27.

NOES—Messrs. Crane, DeHaven, Edgerton, Farley, Irwin, Laine, Lindsey, McKusick, Oulton, and Tuttle—10.

[Mr. Perkins in the chair.]

#### SPECIAL ORDER.

The special order, set for two o'clock P. M., was taken up:

Substitute for Assembly Bills Nos. 1 and 26—An Act to amend certain sections of the Political Code, and to repeal certain other sections.

Amendments agreed to in the Committee of the Whole adopted, read third time, and passed.

[President in the chair.]

The special order, set for four o'clock P. M., was postponed, on motion of Mr. Pendegast, to allow him to submit the following

#### REPORTS.

Mr. PRESIDENT: Your Committee of Conference on Assembly Bill No.

45, have duly considered the same, and recommend that the Senate recede from its substitute, and also from its amendment to section five.

PENDEGAST,  
LINDSEY,  
FINNEY,  
Senate Committee.

AMERMAN,  
McCALLUM,  
SWIFT,  
House Committee.

Adopted.

Also, by Mr. Pendegast—Assembly Bill No. 782—An Act to amend an Act entitled an Act to amend sections three thousand and nine and three thousand and ten of the Political Code, approved March twenty-third, eighteen hundred and seventy-four—recommending its passage.

Rules suspended, read third time, and passed.

Also, Assembly Bill No. 785—An Act to amend sections three thousand seven hundred, three thousand seven hundred and one, and three thousand seven hundred and two—with amendments, recommending the adoption of the amendments, and the passage of the bill as amended.

Amendments adopted, rules suspended, read third time, and passed.

Mr. Tuttle, by leave, introduced a bill, as follows: An Act to repeal an Act entitled an Act supplementary to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Fraser, by leave, offered a resolution, as follows:

*Resolved*, That Joseph McBoyle be and he is hereby excused from further attendance upon the Senate as Page during the remainder of the session.

Adopted.

By Mr. Irwin:

Mr. PRESIDENT: The Committee on Finance, to whom was referred Assembly Bill No. 770—An Act making appropriations for benevolent purposes, and to provide for certain deficiencies—have had the same under consideration, and now report it back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

IRWIN, Chairman.

Rules suspended, bill taken up, amendments agreed to in Committee of the Whole adopted.

Mr. Laine moved to strike out section one of the bill, on which the ayes and noes were demanded by Messrs. Laine, Irwin, and Neff, and the motion was lost, by a vote as follows:

AYES—Messrs. Andross, Bush, Finney, Goodale, Laine, Lindsey, and McCune—7.

NOES—Messrs. Bartlett, Beck, Boggs, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Fraser, Garratt, Gibbons, Graves, Hen-

dricks, Hopkins, Irwin, Kent, Keys, Martin, McCoy, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—33.

Mr. Bush offered an amendment, as follows:

"To St. Patrick's Benevolent Society, and the French and Hebrew Benevolent Societies, of Los Angeles, one thousand dollars each."

Lost.

Mr. Irwin moved the previous question.

Sustained.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Finney, Laine, and Evans, and it passed, by a vote as follows:

AYES—Messrs. Bartlett, Beck, Boggs, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Fraser, Garratt, Gibbons, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—34.

NOES—Messrs. Andross, Bush, Finney, Goodale, Laine, and Lindsey—6.

On motion of Mr. Edgerton, special order—Senate Bill No. 502—was discharged, and the bill ordered to the top of the Special File for to-night.

Special order—Senate Bill No. 313—was discharged, and the bill ordered second on the Special File for to-night.

On motion of Mr. Boggs, Substitute for Senate Bills Nos. 150 and 214—special order—was postponed until eight o'clock P. M.

Mr. Edgerton offered a resolution to pay A. F. Thompson, Journal Clerk, eighty dollars, for work done before his election, and to finish the writing of the Senate Journal after adjournment.

Referred to the Committee on Contingent Expenses.

On motion of Mr. O'Connor, at five o'clock and thirty minutes P. M., the Senate took a recess until seven o'clock and thirty minutes P. M.

#### EVENING SESSION.

At seven o'clock and thirty minutes P. M., the Senate reassembled. President in the chair.

Roll called, and a quorum present.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 28th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 499—An Act to amend section six hundred and fifty-six of the Political Code.

Also, passed Senate Bill No. 453—An Act to amend section three thousand two hundred and ninety-two of the Political Code.

Also, passed Senate Bill No. 333—An Act to amend an Act entitled an Act to establish a Political Code.

Also, passed Senate Bill No. 424—An Act to repeal section three thousand seven hundred and four of the Political Code.

Also, amended and passed Senate Bill No. 435—An Act to provide for the payment of certain Controller's warrants.

Also, passed Senate Bill No. 426—An Act relating to the funds of Swamp Land District Number Eighteen.

Also, passed Senate Bill No. 537—An Act granting leave of absence to the County Surveyor of Butte County.

Also, passed Assembly Bill No. 772—An Act authorizing the State Board of Examiners to allow certain claims against the State, and ordered the same transmitted without engrossment.

Also, passed Senate Bill No. 549—An Act to regulate the fees of Justices of the Peace and Constables of the County of Sacramento.

Also, passed Senate Bill No. 547—An Act to authorize the City and County of San Francisco to provide and maintain public waterworks for said city and county, and to condemn and purchase private property for that purpose.

Also, passed Assembly Bill No. 786—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county, and ordered the same transmitted without engrossment.

Also, amended and passed Senate Bill No. 496—An Act to authorize the City of Oakland to obtain a supply of water.

Also, amended and passed, under a suspension of the rules, and ordered transmitted without engrossment, Assembly Bill No. 714—An Act to make an appropriation for fitting up the Governor's Mansion for the purpose of using a portion thereof as a State Printing Office and State Armory.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER }  
March 28th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, by the Constitutional majority, notwithstanding the objections of the Governor, Senate Bill No. 183—An Act to remove from Henry Meiggs certain legal disabilities.

Also, amended and passed Senate Bill No. 464—An Act to authorize the Board of Supervisors of Solano County to levy a road tax.

Also, passed Senate Bill No. 457—An Act to amend an Act entitled an Act to amend sections three hundred and six and three hundred and seven of the Penal Code, approved March tenth, eighteen hundred and seventy-four.

Also, amended and passed Senate Bill No. 545—An Act to amend section five hundred and twenty-nine of the Code of Civil Procedure of California.

Also, amended and passed Senate Bill No. 544—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure of California.

JOHN WEBBER,  
Assistant Clerk.



ASSEMBLY CHAMBER,  
March 28th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 380—An Act to authorize certain persons to improve a portion of the Mokelumne River, and reërect a boom thereon.

Also, on this day, adopted report of Committee of Free Conference on Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years.

Also, refused to pass Senate Bill No. 66—An Act to repeal section six hundred and eighty-four of the Political Code of the State of California.

Also, passed Senate Bill No. 393—An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining.

Also, passed Senate Bill No. 328—An Act in relation to the formation of a new swamp land district.

Also, passed Senate Bill No. 52—An Act to amend section four hundred and nineteen, and to add certain new sections to the Civil Code.

Also, indefinitely postponed Senate Bill No. 144—An Act for the redemption of unused and uncanceled stamps heretofore sold by the State of California.

Also, passed, and ordered transmitted without engrossment, Assembly Bill No. 727—An Act providing for the employment of prison labor, and regulating contracts therefor.

Also, Assembly Bill No. 733—An Act to amend the Code of Civil Procedure.

Also, Assembly Bill No. 384—An Act to amend section three thousand six hundred and forty-four of the Political Code.

Also, passed Senate Bill No. 238—An Act to amend section fourteen hundred and ninety-three of the Code of Civil Procedure.

Also, passed Senate Bill No. 374—An Act relative to the publication of amendments to the Codes.

Also, amended and passed Senate Bill No. 493—An Act to regulate official salaries in the County of Solano.

Also, appointed Messrs. Chandler, Canfield, and Meyers as a Committee of Conference on Assembly Bill No. 647—An Act amendatory to the Act entitled an Act to provide for the protection of certain lands in Sutter County from overflow, approved March twenty-fifth, eighteen hundred and sixty-eight; and to the Act supplementary thereto, approved March thirtieth, eighteen hundred and seventy-two.

Also, concurred in Senate amendments to Assembly Bill No. 246.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 28th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed under suspension of the rules and ordered transmitted to the Senate without engrossment, Assembly Bill No. 519—An Act to ratify and confirm ordinances and resolutions of the

Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder.

Also, passed Assembly Bill No. 643—Substitute for Assembly Bills Nos. 3, 29, 37, 39, 80, 127, and 232—proposed amendments to the Constitution of the State of California.

Also, adopted the report of the Committee of Conference on Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 28th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 713—An Act to pay the indebtedness incurred by the State Capitol Commissioners, and to provide for the preservation of the building and grounds.

Also, on this day, passed under suspension of the rules and ordered the same transmitted without engrossment, Assembly Bill No. 787—An Act to submit to the qualified electors of the City of Stockton, the proposition to pay the claim of Henry Meyers.

Also, passed Senate Bill No. 388—An Act to create a swamp land reclamation district, to be known as Lake District Number One of Sacramento County.

Also, passed Senate Bill No. 526—An Act to authorize the Board of Supervisors of San Joaquin County, to audit a certain claim.

Also, passed under suspension of the rules and ordered transmitted without engrossment, Assembly Bill No. 788—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 28th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused to pass Senate Bill No. 542—An Act supplementary to and amendatory of an Act entitled an Act supplementary to an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy, and April first, eighteen hundred and seventy-two.

Also, refused to concur in Senate amendments to Assembly Bill No. 770—An Act making appropriations for benevolent purposes, and to provide for certain deficiencies.

JOHN WEBBER,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 496, above reported, Assembly amendments concurred in.

Senate Bill No. 436, above reported, Assembly amendments concurred in.

Senate Bill No. 544, above reported, Assembly amendments concurred in.

Senate Bill No. 545, above reported, Assembly amendments concurred in.

Senate Bill No. 464, above reported, Assembly amendments concurred in.

Substitute for Assembly Bill No. 519, above reported, read first and second times, and referred to the Committee of the Whole.

At eight o'clock P. M. special order postponed until Assembly Bill No. 519 was considered.

Assembly Bill No. 519, reported from the committee, rules suspended, read third time, and on the passage of the bill the ayes and noes were demanded by Messrs. Oulton, Goodale, and Bartlett, and the Senate refused to pass the bill, by a vote as follows:

AYES—Messrs. Andross, Beck, Bush, Dyer, Eakin, Edgerton, Evans, Fraser, Graves, Kent, Martin, McCoy, Neff, O'Connor, Perkins, and Roach—16.

NOES—Messrs. Bartlett, Crane, DeHaven, Duffy, Farley, Finney, Garratt, Gibbons, Goodale, Irwin, Keys, Laune, Lindsey, McCune, McKusick, Oulton, Spencer, Turner, and Tuttle—19.

Mr. Duffy gave notice of a motion to reconsider the vote whereby the Senate refused to pass the bill.

Assembly Bill No. 647, above reported, the rules were suspended, and the President appointed Messrs. Lindsey, Neff, and Boggs a Committee of Conference.

Assembly Bill No. 714, above reported, read first and second times, and referred to the Committee on Finance.

Assembly Bill No. 380, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly Bill No. 724, above reported, read first and second times, and referred to the Committee on State Prison.

Assembly Bill No. 733, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 786, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 786, subsequently the vote on reference was reconsidered, and the bill returned to the Assembly, as per request.

Assembly Bill No. 772, above reported, read first and second times, and referred to the Committee on Claims.

Assembly Bill No. 788, above reported, read first and second times, and referred to the delegation.

Assembly Bill No. 787, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 713, above reported, read first and second times, and referred to the Committee on Public Buildings and Grounds.

Assembly Bill No. 770, above reported, on the question of receding

from the Senate amendments to the bill, the ayes and noes were demanded by Messrs. Evans, Bush, and Goodale, and the Senate refused, by a vote as follows:

AYES—Messrs. Beck, Eakin, Farley, Garratt, Hendricks, Keys, Pendegast, Perkins, and Turner—9.

NOES—Messrs. Andross, Bartlett, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Edgerton, Evans, Finney, Fraser, Goodale, Graves, Hopkins, Irwin, Kent, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Roach, Spencer, and Tuttle—30.

The rules were suspended, and the President appointed Messrs. Evans, Irwin, and Graves a Committee of Conference.

Senate Bill No. 435, above reported, on concurring in the first Assembly amendment to the bill, the ayes and noes were demanded by Messrs. O'Connor, Boggs, and Evans, and it was concurred in, by a vote as follows:

AYES—Messrs. Andross, Beck, Boggs, Crane, DeHaven, Duffy, Dyer, Edgerton, Evans, Farley, Garratt, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Martin, Neff, Oulton, Pendegast, Perkins, Roach, and Turner—24.

NOES—Messrs. Bartlett, Bush, Eakin, Finney, Fraser, Goodale, Laine, Lindsey, McCoy, McCune, O'Connor, Spencer, and Tuttle—13.

The Senate concurred in the other amendment to the bill.

Assembly Bill No. 643, above reported, read first and second times, rules suspended, and by unanimous consent read third time.

#### PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF CALIFORNIA.

Assembly Bill No. 643—Substitute for Assembly Bills Nos. 3, 29, 37, 39, 80, 127, and 232.

*The Legislature of the State of California, at its twentieth session, proposes the following amendments to the Constitution of said State:*

Amend Article I of said Constitution to read as follows:

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties, in all civil cases, in the manner to be prescribed by law. In civil cases, if three fourths agree upon a verdict, it shall be taken as the verdict of the jury.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a wit-



ness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted; nor shall witnesses be unreasonably detained.

SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great.

SEC. 8. No person, without his written consent, shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature), unless on presentment or indictment of a Grand Jury; and, in any trial in any Court whatever, the party accused shall be allowed to appear and defend, in person and with counsel, as in civil actions. The Legislature may fix, at not less than twelve, the number of Grand Jurors to form a panel, or to find an indictment. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken or damaged for public use, without just compensation first made. The presentment or indictment mentioned in this section may be amended by the Court in matter of form in such manner as the Legislature may by statute provide.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have a uniform operation upon the same class of subjects.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be maintained by this State in time of peace.

SEC. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.

SEC. 14. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

SEC. 15. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall be passed.

SEC. 16. Foreigners who are or who may hereafter become bona fide

residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

SEC. 17. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 18. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but for probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

SEC. 19. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open Court.

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people.

Amend Article II of said Constitution to read as follows:

#### ARTICLE SECOND—RIGHT OF SUFFRAGE AND ELECTIONS.

SECTION 1. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections:

1. He shall have been a citizen of the United States at least one month.

2. He shall have resided in the State six months immediately preceding the election.

3. He shall have resided in the election precinct where he shall offer to vote, one month immediately preceding the election.

SEC. 2. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison; nor shall any person in the military, naval, or marine service of the United States, by reason of being stationed in any military or naval station within the State, be considered a resident of this State.

SEC. 4. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 5. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 6. The general election shall be held on the Tuesday next following the first Monday in November, A. D. one thousand eight hundred and seventy-seven, and every two years thereafter, unless the Legislature by statute fix a different time.

SEC. 7. All elections by the people shall be by ballot. All elections by persons in a representative capacity, shall be viva voce.

SEC. 8. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 9. Any person who shall give, or promise, or offer to give, to any elector, any money, reward, or other valuable consideration, for

his vote at an election, or for withholding the same, or who shall give, or promise to give, such consideration to any other person or party for such elector's vote, or for the withholding thereof, and any elector who shall receive, or agree to receive, for himself or for another, any money, reward, or other valuable consideration, for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election; and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received.

SEC. 10. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or willful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this State; and any person convicted of willful violation of the election laws, shall, in addition to any penalty provided by law, be deprived of the right of suffrage absolutely for a term of four years.

SEC. 11. In trials of contested elections, and proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon any ground; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Amend Article IV of said Constitution to read as follows:

#### ARTICLE IV—LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California.

SEC. 2. The enacting clause of every statute shall be: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

SEC. 3. The sessions of the Legislature shall be biennial, and shall commence on the Tuesday next after the first Monday of January, in the year following the election of its members. No session shall continue longer than one hundred and twenty days.

SEC. 4. Members of the Assembly shall be chosen biennially, at the general election in the year eighteen hundred and seventy-seven, and every two years thereafter, by the qualified electors of their respective Assembly districts; and their terms of office shall be two years from the day of their election.

SEC. 5. Senators shall be chosen at the same time and place as members of the Assembly, by the qualified electors of their respective Senatorial districts. The term of Senators shall be four years from the day of their election.

SEC. 6. Senators and members of the Assembly shall be electors in the districts which each shall represent respectively, and each shall be a resident of his district for one year next before the election at which he shall be chosen.

SEC. 7. The number of members of the Senate shall be forty, and of the Assembly, eighty. After the population of the State exceeds one million, the Legislature may, by statute, increase the number of members of the Assembly to not exceeding one hundred and twenty. When the number shall be increased, the rule of apportionment herein pre-



scribed shall not apply to the excess over eighty until each county in the State shall be allowed one member of the Assembly.

SEC. 8. The Legislature, at its session in the year eighteen hundred and eighty-two, must divide the State into Senatorial districts of compact contiguous territory, as nearly equal in population as may be. At the next general election thereafter, forty Senators shall be elected, one half of whom shall hold office for the term of four years, and the other half for the term of two years, to be determined by lot at the first session of the Legislature thereafter.

SEC. 9. At the same time, the Legislature must divide the State into eighty Assembly districts of compact contiguous territory, as nearly equal in population as may be.

SEC. 10. In forming a Congressional, Senatorial, or Assembly district, a county shall not be divided so as to attach one portion of a county to another county.

SEC. 11. The Senatorial and Assembly districts formed in eighteen hundred and eighty-two, must be changed, and the representation reapportioned by the Legislature in the year eighteen hundred and ninety-two, and every ten years thereafter; and if any Legislature upon which is devolved the duty of making such change and reapportionment, fails to perform it, the Governor of the State, within sixty days after the adjournment of such Legislature, must make such change and reapportionment, and declare it by proclamation.

SEC. 12. Every apportionment shall be based upon the number of votes cast at the Presidential election which occurred next before such apportionment.

SEC. 13. When vacancies occur in either House, the Governor shall issue a proclamation calling an election to fill the same, unless a general election will intervene between the vacancy and the next session of the Legislature.

SEC. 14. The members of both Houses shall, in all cases, except for treason, felony, violation of oath of office, or surety of the peace, be privileged from arrest during the session of the Legislature, and for fifteen days before and after; and no member of either House shall be punished criminally, or be made to pay damages for words spoken in debate or speech in such House.

SEC. 15. Members of the Legislature and its officers shall receive such salary, or per diem and mileage, for regular and special sessions, as shall be previously fixed by statute, and no other compensation whatever, whether for services on committee or otherwise, shall be allowed. No member of either House, or officer or employé of either House, shall, during the term for which he may have been elected or appointed, receive any increase of salary or mileage under any law or resolution passed during such term.

SEC. 16. The sessions of the Legislature shall be public, but either House may, by rule, exclude from the floor of such House persons other than its members.

SEC. 17. A majority of each House shall constitute a quorum to do business; a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as it may prescribe.

SEC. 18. The Senate and Assembly respectively shall choose its own officers, judge of the qualifications and election of its members, have



power to determine the rules of its proceedings, to punish for contempt disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence, to punish its members and others for bribery or offers to bribe a member in the discharge of his duties as such, with the concurrence of two thirds to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption, shall not thereafter be eligible to an election as a member of either House, and punishment for bribery, contempt, or disorderly behavior, shall not bar an indictment for the same offense.

SEC. 19. The Legislature shall provide, by statute, for taking the testimony in contests for seats in either House; such statutes must prescribe that all testimony shall be taken before the time fixed for the regular meetings of the Legislature. All such contests must be finally determined within one week after the organization of the two Houses.

SEC. 20. The Legislature shall prescribe by law the number, duties, and compensation of the officers and employes of each House, and no payment shall be made from or authorized to be made out of the State Treasury for services connected with the sessions of the Legislature, unless such service be first authorized and the compensation fixed by statute.

SEC. 21. The Senate, at the beginning of the regular sessions, and at such other times as may be necessary, shall elect one of its members President pro tempore, who may preside over the Senate during the absence of the Lieutenant Governor.

SEC. 22. Each House shall keep a Journal of its proceedings, and publish the same. Three members may call for the yeas and nays on any question, and when so called, the vote of each member voting shall be recorded in the Journal.

SEC. 23. Any bill may originate in either House of the Legislature, and all bills passed by one House may be amended in the other.

SEC. 24. No bill shall be passed into a statute until it has been printed in the House where it originated, for the use of both Houses, and referred to and returned from a committee in each House, and read once at length in each House.

SEC. 25. No statute shall embrace more than one subject, and that shall be expressed in its title.

SEC. 26. No statute shall be amended by reference to its title; but, in such case, the statute or section amended shall be reenacted and published at length.

SEC. 27. Every bill which may pass the Legislature shall, before it becomes a statute, be presented to the Governor, and such further proceedings had thereon as provided in section fourteen of Article V of this Constitution.

SEC. 28. Lotteries and the sale of lottery policies or tickets within this State are unlawful. All lottery policies or tickets, or prizes drawn in lotteries within this State, are forfeited to the State, to be recovered by action brought in the name of the people of the State by the Attorney General.

SEC. 29. No person who shall have been, or shall be convicted for embezzlement of public funds or defalcation in any public office, shall be eligible to any civil office of trust or profit in this State; and the Legislature shall pass statutes providing for the punishment of such embezzlement and defalcation as a felony.

SEC. 30. The Legislature shall not pass any local or special statute.

authorizing the creation, extension, or impairing of liens regulating the affairs of counties, cities, townships, road or school districts; changing the names of persons or places; changing the place of trial in civil or criminal cases; authorizing the laying out, opening, altering, or maintaining roads, highways, streets, alleys, or sewers; relating to ferries or bridges; vacating roads, town plats, streets, or alleys; relating to cemeteries or other public grounds; authorizing the adoption or legitimation of children; locating or changing county seats; incorporating towns or cities; for opening and conducting elections, or fixing and changing places of voting; granting divorces; confirming the deeds or certificates of acknowledgment of married women; confirming any void judicial proceeding, tax, or assessment, or any grant founded thereon; erecting new townships or other territorial divisions in a county; creating offices, or prescribing the powers and duties of officers in counties, cities, townships, or districts; changing the laws of succession or descent; regulating the practice or production of, or rules of evidence in any judicial proceeding or inquiry before Courts or other tribunals, or providing for or changing methods for the collection of debts or enforcing of judgments; regulating fees of office; affecting the estates of minors, or others under disabilities, except after notice to all parties in interest, which shall be recited in the special Act; remitting fines, penalties, or forfeitures, or refunding of moneys legally paid into the Treasury; regulating labor, trade, mining, or manufacturing; creating corporations, or amending, renewing, or extending their charters; granting to any corporation, association, or person, any special or exclusive privilege or immunity, or the right to make a railroad.

SEC. 31. No Act shall be passed giving extra or additional pay, or relief, or compensation to any public officer, servant, employé, or agent of, or contract under, this State, or any department thereof, or of or under any county or city in this State.

SEC. 32. No Act shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

SEC. 33. No Act of the Legislature shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property. In cases of death from injuries received by or through the carelessness, negligence, or willful misconduct of any person or corporation, the right of action shall survive, and the Legislature shall prescribe by and for whose benefits such shall be prosecuted. Until the Legislature shall so prescribe, such right of action shall survive to and may be prosecuted by the personal representatives of the deceased. No Act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons.

SEC. 34. No State office shall be continued or created for the inspection or measurement of any merchandise, or manufacture, or commodity; but the Legislature may, by general law, provide for such inspection and measurement by municipal or county officers.

SEC. 35. The Legislature shall pass no statute agreeing to pay, or providing for the payment from the State Treasury, or by any municipal corporation, of any bonds or other obligation of any person or corporation, or to provide for the payment of any interest on such bonds or obligation; and shall pass no statute loaning or authorizing the loan

of the credit of the State, or any municipal corporation, to any person or corporation.

SEC. 36. The Legislature shall never grant, or authorize extra compensation, fee, or allowance to any public officer, agent, servant, or contractor, after service has been rendered or contract made, nor authorize the payment of any claim or part thereof hereafter created against the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements shall be null and void, provided this section shall not extend to and prevent appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

SEC. 37. The Legislature shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this State, or to any municipal corporation therein.

SEC. 38. The Legislature shall protect by statute, from forced sale, a certain portion of the homestead and other property of all heads of families.

SEC. 39. The Legislature shall by statute protect the wages of labor, provide for liens of mechanics and laborers, and for the exemption of a reasonable amount of property from execution and forced sale.

SEC. 40. Any statute concerning corporations may at any time be altered, amended, or repealed, and all corporations shall, if required by statute, conform to any such alteration or amendment, or be dissolved by such repeal.

SEC. 41. The Legislature shall not pass any statute under which any corporation for banking purposes shall be established; but associations and corporations may be formed under general laws for the deposit and loan of gold and silver; but no such association or corporation shall make, issue, or put in circulation, any bill, check, certificate, ticket, promissory note, or other paper, or the paper of any bank, to circulate as money; and the Legislature shall prohibit by law the creation of paper to circulate as money.

SEC. 42. The term "corporation," as used in this Constitution, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. All corporations shall have the right to sue and be subject to action in all Courts in like cases as natural persons.

SEC. 43. When the Legislature is convened in special session by proclamation of the Governor, there shall be no legislation on subjects not designated in such proclamation.

SEC. 44. The presiding officer of each House shall, in the presence of the House over which he presides, sign bills and joint resolutions passed in such House, immediately after the titles of such bills have been publicly read. The fact of signing shall be entered in the Journal.

SEC. 45. Neither House, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which they may be sitting. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 46. No money shall be drawn from or paid out of the Treasury of State, except it be pursuant to and in accordance with a specific appropriation for a particular purpose made by statute, and then only on



warrants drawn by the proper officer; and no appropriation shall be made for more than two years.

SEC. 47. All general appropriation bills shall be sent to the Governor for his signature, at least ten days before the close of the session.

SEC. 48. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Superintendent of Public Instruction, the Justices of the Supreme Court, and District Judges, shall be liable to impeachment for misdemeanor in office. All other officers under this Constitution may be tried by jury, on indictment for misdemeanor in office, and if convicted, be removed from office and disqualified from holding any office of honor or profit.

SEC. 49. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. Each Senator, at the time the Senate shall resolve itself into a Court of Impeachment, shall swear (or affirm) that he will do impartial justice between the accuser and the accused, uninfluenced by party feeling. No person shall be convicted on such impeachment without the concurrence of two thirds of the Senators elected, and the judgment on conviction shall extend only to removal from office and disqualification to hold office thereafter. A majority of the Senators elected may affix the penalty, but such judgment on impeachment shall not be a bar to indictment for the same offense.

SEC. 50. No Senator or member of the Assembly shall be elected or appointed to any civil office of profit in this State during the term for which he shall have been elected, or for one year thereafter, which office shall have been created, or the emoluments of which shall have been increased during his term of office.

SEC. 51. Any member of the Legislature who shall solicit, demand, receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, office, appointment, employment, testimonial, reward, thing of value, enjoyment, or of personal advantage, or promise thereof, or the influence of another to obtain for himself any office of honor or profit, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter, or thing aforesaid for another as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter, or thing to another, shall be held guilty of bribery within the meaning of this Constitution and the Penal Code, and shall incur the penalties provided in such Code, and be subject to such further punishment as shall be provided by statute.

SEC. 52. Any person who shall, directly or indirectly, offer, give, or promise any money, thing of value, testimonial, privilege, or personal advantage to any officer, legislative, executive, or judicial, to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and punished as provided by statute.

SEC. 53. The offense of corrupting of members of the Legislature, or of public officers of this State, or of any municipal division thereof, and any occupation or practice of solicitation of such member or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.



SEC. 54. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony; and any person convicted of either of the offenses aforesaid, shall, as part of the punishment therefor, be disqualified from holding any office of honor or profit in this State.

SEC. 55. The Legislature shall not act upon any amendment proposed to the Constitution of the United States, until at least one general election intervene between the time such amendment is proposed and the time of action thereon.

Amend Article V of said Constitution to read as follows:

#### ARTICLE V—EXECUTIVE DEPARTMENT.

SECTION 1. The Executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, and Superintendent of Public Instruction, who shall each be independent of the other, and have and exercise the powers prescribed for him in this Constitution and by statutes.

SEC. 2. The Governor shall be elected by the qualified electors of the State, at the general election in the year eighteen hundred and seventy-nine, and every four years thereafter.

SEC. 3. No person shall be eligible to the office of Governor who is not over the age of twenty-five years, and who has not been a citizen of the United States, and a resident of the State, for four years next preceding his election.

SEC. 4. The Governor shall hold his office during four years from the first Tuesday after the first Monday in January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

SEC. 5. The returns of every election for Governor shall be sealed up, indorsed "Election returns for Governor," and by the County Clerks of the different counties be transmitted to the Secretary of State, who shall safely keep the same unopened, and deliver them to the Speaker of the Assembly. The Speaker shall, in the presence of both Houses of the Legislature, on the day next after the organization of both Houses, open such returns and publish them. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of said persons for Governor.

SEC. 6. The Governor shall be Commander-in-Chief of the Army, actual Navy, and Militia of this State, except when they are called into service of the United States.

SEC. 7. The Governor shall transact all executive business with the officers of the Federal Government, and with Governors of other States. He shall see that the laws are faithfully executed, and he may require information in writing from all other executive officers of this State upon any subject relating to the business of their respective offices.

SEC. 8. When any State executive office (other than Governor or Lieutenant Governor) shall become vacant, the Governor shall fill such

vacancy for the unexpired term by appointment; and if a vacancy occur in any judicial office in this State, other than Justice of the Peace, the Governor shall fill such vacancy by appointment, as prescribed in Article VI of this Constitution. In other cases the Legislature may provide, by statute, for filling vacancies in office, and if no such provision shall exist, and a vacancy occur, the Governor shall fill the same by appointment for the unexpired term. The Governor shall report to the Senate all appointments for State offices and all appointments to judicial offices, for its confirmation, at the earliest practicable time, and if the Senate shall refuse to confirm such appointment, a vacancy shall then occur, to be filled as provided in this section.

SEC. 9. The Governor may, on extraordinary occasions, convene the Legislature in special session, by proclamation, which proclamation shall designate the subject upon which legislation is desired.

SEC. 10. The Governor shall communicate by message to the Legislature at every session the condition of the State, and from time to time recommend to its consideration such measures as he may deem expedient.

SEC. 11. The Governor shall have power to remit fines and forfeitures imposed as a punishment for crimes, to grant reprieves, commutations of sentences, and pardons, except in cases of impeachment, and cases of disqualification from holding office, or enjoying the right of suffrage, declared by this Constitution as a punishment for crime. But no pardon shall be granted, or sentence commuted, except upon the recommendation, in writing, of the Lieutenant Governor, Secretary of State, and Attorney General, or a majority of them, after full hearing, upon due public notice of time and place; and such recommendations, and the reasons therefor, shall be filed in the office of the Secretary of State.

SEC. 12. There shall be a seal of this State kept in the office of the Secretary of State, to be used by him and the Governor to authenticate papers and documents issued by them, or either of them, to be called "The Great Seal of the State of California;" and all grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with said seal, signed by the Governor, and countersigned by the Secretary of State.

SEC. 13. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the power and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military forces of the State, not in the actual service of the United States.

SEC. 14. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve, he shall sign it; but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their Journal, and proceed to reconsider it. If, after such reconsideration, two thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which likewise it shall be reconsidered, and if approved by two thirds of all the members elected to that House, it shall be a law; but in such cases the votes of both Houses shall be determined by ayes and noes, and the names of the members voting for and against

the bill shall be entered on the Journals of each House respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by their adjournment, by limitation, or otherwise, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of State, and give notice thereof, by public proclamation, within thirty days after such adjournment.

SEC. 15. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

SEC. 16. The Lieutenant Governor, Treasurer, and Attorney General, shall each have the same qualifications as the Governor, each shall be elected at the same time and places, and their terms of office shall be the same as that of the Governor.

SEC. 17. The Controller, Secretary of State, Surveyor General, and Superintendent of Public Instruction, shall each have the same qualifications as the Governor, and shall be elected at the general election in the year eighteen hundred and eighty-one, and every four years thereafter.

SEC. 18. Each of the officers mentioned in the preceding section shall hold his office during four years from the first Tuesday after the first Monday in January next ensuing after his election.

SEC. 19. The Lieutenant Governor shall be President of the Senate, but shall only have a vote therein when the Senate is equally divided, and he shall perform such other duties as may be prescribed by statute. In case of the death, conviction on impeachment, absence from the State, failure to qualify, resignation, or other disability of the Governor, the powers, duties, obligations, and emoluments of the office for the remainder of the term, or until the disability be removed, shall devolve on the Lieutenant Governor.

SEC. 20. In case of a vacancy in the office of Lieutenant Governor, by his death, assumption of the office of Governor, conviction on impeachment, or from any other cause, the powers, duties, and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the President pro tempore of the Senate; and the President pro tempore of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor while he is acting Lieutenant Governor, but his seat in the Senate shall become vacant whenever he shall become Governor.

SEC. 21. The Secretary of State shall keep a record of all official acts of the Governor, preserve the archives and papers pertaining to the office of Governor and the Legislature, and shall perform such other duties as may be prescribed by statute.

SEC. 22. The emoluments of all State officers shall be fixed prior to the election to such office, and such emoluments shall not be increased or diminished during such term, nor shall any additional pay be allowed for additional services required of such officer.



Amend Article VI of said Constitution to read as follows:

ARTICLE VI—JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, District Courts, Courts of Justices of the Peace, and in such municipal Courts as shall be established by statute for cities, or consolidated cities and counties.

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The presence of four Justices shall be necessary for the transaction of business in Court, and the concurrence of four Justices shall be necessary to pronounce a judgment.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at the general election next after the adoption of these amendments, and each shall take his seat on the first Tuesday after the first Monday in January next after his election. The full term of a Justice of the Supreme Court is fourteen years. At the meeting of such Justices on the said Tuesday next after the first Monday of January, they shall so classify themselves by lot that the term of one Justice shall expire every two years, and his successor shall be elected at the general election next preceding the expiration of such term.

SEC. 4. At the election for Justices of the Supreme Court, next after the adoption of these amendments, no elector shall vote for more than four persons for Justices of the Supreme Court.

SEC. 5. If a vacancy occur in the office of Justice of the Supreme Court from other causes than the expiration of a full term, the Governor shall fill such vacancy by appointment, and the appointee shall hold until the election and qualification of his successor. At the next general election after such vacancy, it shall be filled by election, and the person so elected shall hold office from the first Tuesday after the first Monday in January next ensuing until the expiration of the unexpired term.

SEC. 6. No Justice appointed or elected to fill an unexpired term shall be Chief Justice. The Justice not so appointed or elected having the shortest term to serve, shall be Chief Justice.

SEC. 7. The jurisdiction of the Supreme Court is of two kinds:

1. Original; and,
2. Appellate.

SEC. 8. The original jurisdiction of the Supreme Court extends to the issuance of writs of mandate, review, prohibition, and habeas corpus.

SEC. 9. The appellate jurisdiction of the Supreme Court extends:

1. To all civil cases and special proceedings arising in the District Courts.
2. To all criminal actions amounting to felony.
3. To the issuance of all writs necessary to the exercise of its appellate jurisdiction; and,
4. To such other cases and proceedings as the Legislature may by general statute prescribe.

SEC. 10. Each county is a Judicial District. District Judges shall be elected by the qualified electors of their respective districts, at the general election next after the adoption of these amendments, and shall hold their respective offices for the term of six years, and until their successors shall be elected and qualified.



SEC. 11. If a vacancy occur in the office of District Judge from causes other than the expiration of a full term, the Governor shall fill such vacancy by appointment, and the appointee shall hold until the election and qualification of his successor. At the next general election after such vacancy, it shall be filled by election, and the person so elected shall hold office from the Tuesday after the first Monday in January next ensuing, for the term of six years.

SEC. 12. Every county, containing less than twenty thousand inhabitants, shall elect one District Judge; counties containing more than twenty thousand inhabitants may elect such further number of District Judges as shall be prescribed by statute, not exceeding one for every twenty thousand inhabitants, and one for such fraction as shall exceed ten thousand.

SEC. 13. In districts where there shall be more than one District Judge, a presiding Judge shall be selected by lot, who shall distribute the labor to be performed by each.

SEC. 14. Each District Court shall be held by one District Judge; and when two or more Judges are elected for one county, Courts shall be held separate, but the judgments and orders of each shall be entered and enforced, as of the District Court of such county.

SEC. 15. The jurisdiction of District Courts is of two kinds:

1. Appellate; and,
2. Original.

SEC. 16. The appellate jurisdiction of the District Courts extend:

1. To all cases arising in Justices' Courts.
2. To such cases and proceedings arising in Municipal Courts as the Legislature may prescribe.

SEC. 17. The original jurisdiction of District Courts extend:

1. To all civil actions for relief formerly given in Courts of equity.
2. To all civil actions in which the subject of litigation is not capable of pecuniary estimation.

3. To all civil actions in which the subject of litigation is capable of pecuniary estimation, which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars.

4. To actions to prevent or abate a nuisance.
5. To actions of forcible entry and detainer.
6. To proceedings in insolvency.
7. To probate cases and proceedings.
8. To all other special proceedings.
9. To inquiring, by the intervention of a Grand Jury, of all public offenses committed or triable within the district.

10. To the trial of all indictments.

11. To such other cases and proceedings as the Legislature may prescribe.

SEC. 18. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties, and responsibilities; but such powers shall not, in any case, trench upon the jurisdiction of the several Courts of record. The Supreme Court, and District Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.

SEC. 19. The jurisdiction of municipal Courts established by statute for cities, and consolidated cities and counties, shall extend only to the

trial of misdemeanors, and to the trial of cases arising under ordinances of such cities, or cities and counties.

SEC. 20. The Legislature shall provide for the election of a Clerk of the Supreme Court, of County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensations. County Clerks shall be ex officio Clerks of the Courts of record in and for their respective counties. The Legislature may also provide for the appointment, by the several Courts of record, of one or more Commissioners, with authority to perform Chamber business, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by statute.

SEC. 21. The time and place of holding the terms of the Supreme Court shall be provided for by statute. The District Courts shall always be open for the transaction of business.

SEC. 22. No judicial officer, except Justices of the Peace, and Commissioners, shall receive to his own use any fees or perquisites of office.

SEC. 23. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person.

SEC. 24. The Justices of the Supreme Court and District Judges, shall severally, at stated times during their continuance in office, receive for their services, out of the State Treasury, a compensation which shall not be increased or diminished after their election, or during the term for which they shall have been elected.

SEC. 25. The Justices of the Supreme Court and the District Judges shall be ineligible to any other office than a judicial office during the term for which they shall have been elected, and shall, before entering upon their offices, in addition to the oath of office, take and subscribe an oath that they will not, during such term, accept any Federal office.

SEC. 26. Judges shall not charge juries with respect to matters of fact, but they may state the testimony and declare the law.

SEC. 27. The style of all process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SEC. 28. The Supreme Court now in existence is continued until the first Monday in January, eighteen hundred and seventy-nine; but after the first Monday in January, eighteen hundred and seventy-eight, its power shall only extend to the determination of such cases or proceedings pending therein as may have been submitted for decision prior to that time.

SEC. 29. The Justices of said Court in commission at the time these amendments take effect, may hold their offices as Justices thereof until the first Monday in January, eighteen hundred and seventy-nine.

SEC. 30. If any Justice of said Court is elected a Justice of the Supreme Court created by this Article, his office as a Justice of the Supreme Court now in existence shall become vacant on the first Monday in January, eighteen hundred and seventy-eight, and the Governor shall, by appointment, fill the vacancy.

Article VIII is amended to read as follows:

#### ARTICLE VIII—TAXATION AND FINANCE.

SECTION 1. Taxation shall be equal and uniform upon the same class of subjects within the territorial limits of the authority levying the tax,

and taxes shall be levied and collected under general laws. All property subject to taxation shall be listed for that purpose at its cash value, to be ascertained as provided by statute. All things, and choses in action, subject to ownership, sale, devise, descent, distribution, or assignment, shall be deemed property, for purposes of taxation. Property owned by the United States, by this State, or by a municipal corporation under the laws of this State, shall be exempt from taxation.

SEC. 2. The present bonded debt of the State is valid, and the Legislature shall provide by statute for the payment thereof.

SEC. 3. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall singly, or in the aggregate, with all previous debts and liabilities, exceed the sum of three hundred thousand dollars, except in case of war, to repel invasion or suppress insurrection, or for the purpose of carrying out a general system of irrigation, or to provide the means of payment, if it becomes necessary to condemn to the use of the State the railroads within its limits.

SEC. 4. The Governor, Controller, and Treasurer shall, jointly, during the first week after the organization of the Legislature, exhibit to the Assembly detailed estimates of the sums of money necessary to be raised and expended during the two years next after the first day of July of that year.

SEC. 5. The Controller shall determine, and publish, when the limit of the public debt, allowed by this Constitution, has been reached, and all other or further obligations of the State shall be void.

SEC. 6. Neither the credit of the State, nor of any municipal corporation authorized under the laws thereof, shall be pledged or loaned to any individual, company, corporation, or association; nor shall the State, or any municipal corporation, become a joint owner of or a stockholder in any company, association, or corporation; nor shall the State, or any municipal corporation, become bound to pay any bond, or interest on any bond, or other obligation, of any individual, association, or corporation; and no county, or other municipal corporation under the laws of this State, shall incur any obligation to raise money for the construction of any work not exclusively under the control of public officers.

SEC. 7. The Legislature must, by statute, provide for a State Board of Equalization, and fix its powers and duties.

Amend said Constitution by inserting therein a new Article, to be known as Article IX, and to read as follows:

#### ARTICLE IX—MUNICIPAL CORPORATIONS.

SECTION 1. Municipal corporations under the laws of this State are:

1. Counties;
2. Cities; and,
3. Consolidated cities and counties.

SEC. 2. The Legislature shall establish a system of county and city governments, which shall be as nearly uniform as practicable.

SEC. 3. The boundaries of counties shall be established by statute, and no statute shall be passed changing a county boundary, until it be shown to the Legislature that a notice was published in some newspaper of general circulation in the counties to be affected by such change, at least thirty days before the last general election, stating that application would be made to the Legislature for such change.



SEC. 4. The compensation of county officers shall be regulated by law. Salaries of county officers and pay allowed by law shall not be increased or diminished during the time for which they shall be elected.

SEC. 5. The Legislature shall provide by statute for a strict accountability of all county, township, and city officers for all public moneys coming into their hands.

SEC. 6. Township officers are Justices of the Peace and Constables, and each shall have such power and be subject to such duties and obligations as are prescribed in this Constitution or by statute.

SEC. 7. The Legislature shall provide by statute for such offices as may be necessary in administering the affairs of school districts, road districts, swamp land districts, or other division created by statute.

SEC. 8. Cities with charters already given, shall remain such under their present charters, subject to amendment, or shall become incorporate under general laws.

SEC. 9. No debt shall be incurred by any municipal corporation, except in pursuance of an order or ordinance, previously made therefor, by the municipal authorities, which order or ordinance shall provide for the payment thereof.

SEC. 10. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

SEC. 11. The Legislature may vest the corporate authorities of cities, or consolidated cities and counties, with power to make local improvements, by special assessment or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform, in respect to persons and property, within the jurisdiction of the body imposing the same.

Amend said Constitution by inserting therein a new Article, to be known as Article X, and to read as follows:

#### ARTICLE X—PRIVATE CORPORATIONS.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special Act. All general laws passed pursuant to this section may be altered from time to time or repealed.

SEC. 2. Each stockholder shall be individually and personally liable for his proportion of all debts and liabilities of a corporation created or incurred while he remains such stockholder.

SEC. 3. The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the Legislature from taking the property and franchises of corporations, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well-being of the State.

SEC. 4. In all elections for Directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

SEC. 5. No corporation shall engage in any business other than that expressly authorized in its charter; nor shall it take or hold any real



estate, except such as may be necessary and proper for its legitimate business.

SEC. 6. No corporation shall issue stock or bonds except for money, labor done, or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the two thirds in value of the stock, first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

SEC. 7. No railroad or telegraph company shall consolidate with or hold an interest in the stock or bonds of any other railroad or telegraph company, nor shall the same persons be officers in corporations owning competing lines of railroads or telegraphs.

SEC. 8. No railroad or telegraph company shall lease, or in any manner manage or control, the railroad or telegraph line of another company.

SEC. 9. All individuals, associations, and corporations shall have equal right to have persons and property transported over railroads; and no undue or unreasonable discrimination shall be made in charges for, or in facilities for transportation of freight or passengers within the State, or coming from or going to any other State. Persons and property transported over any railroad shall be delivered at any station, at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

SEC. 10. The Legislature shall pass statutes to correct abuses, and prevent unjust discrimination and extortion in the rates of freights and fares on the railroads in the State, and provide for the enforcement of such statutes by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of property and franchises.

SEC. 11. Every railroad corporation organized in this State shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which books shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock, and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

SEC. 12. All railroads shall be public highways, and all railroad companies shall be common carriers. Any association or corporation organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads in other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad; and shall receive and transport each other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

SEC. 13. No President, Director, officer, or employe of any railroad company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company.

SEC. 14. No railroad, railway, or other transportation company, shall grant free passes, or passes at a discount, to any public officers.

SEC. 15. No foreign corporation shall do any business in this State without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served.

Amend Article IX of the present Constitution, by making it Article XI, and to read as follows:

#### ARTICLE XI—EDUCATION.

SECTION 1. The Legislature shall provide for the maintenance of and support of a thorough and efficient system of public schools, wherein all the children within the State may be educated.

SEC. 2. All public moneys raised for school purposes, all moneys, lands, and other property, which have heretofore or shall hereafter come to the State for school purposes, and the proceeds, rents, issues, and profits of such lands and other property, shall be appropriated exclusively to the support of the common school system of this State.

SEC. 3. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State, for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent Fund, the interest on which shall be applied to the support of said University, with such branches as the public convenience may demand, for the promotion of literature, the arts, and sciences, as may be authorized by the terms of such grant. And the Legislature shall, as soon as may be, provide effectual means for the improvement and permanent security of the funds of said University.

#### ARTICLE XII.

Amend Article X of the present Constitution by making it Article XII, and amend section one thereof to read as follows:

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if the same are agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their Journals, with the ayes and noes taken thereon, and shall be published for three months before the next general election. In his proclamation calling such election, the Governor shall submit such proposed amendments to the qualified electors of the State for adoption or rejection, and if a majority of the votes cast shall be for the adoption of such amendment or amendments, it or they shall become part of this Constitution.

Amend said Constitution by inserting therein a new Article, to be known as Article XIII, and to read as follows:

#### ARTICLE XIII—MISCELLANEOUS PROVISIONS.

SECTION 1. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in

any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

SEC. 2. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of — according to the best of my ability."

And no other oath, declaration, or test, shall be required as a qualification for any office or public trust.

SEC. 3. All officers whose election or appointment is not provided for by this Constitution, and all officers whose office may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

SEC. 4. No person shall be elected or appointed to, or hold any office created by this Constitution, who is not an elector and resident of this State. No person shall be elected or appointed to, or hold any district, county, or other local office created by this Constitution, unless he is an elector and resident of the district, county, or other political division for which he is elected or appointed. And every judicial officer must reside at the place where the sessions of the Court of which he is a member are held.

SEC. 5. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office fixed by this Constitution ever exceed four years.

SEC. 6. The fiscal year shall commence on the first day of July.

SEC. 7. Each county, city, and incorporated town, shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.

SEC. 8. Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

SEC. 9. The seat of government shall not be removed from Sacramento except by operation of a statute enacted for that purpose and ratified by a majority of the votes cast at the next general election after the passage of such statute.

SEC. 10. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise, or descent, shall be her separate property, and laws shall be passed more clearly defining the rights of the wife in relation as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 11. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

SEC. 12. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 13. Every person shall be disqualified from holding any office of



profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 14. No person holding a lucrative office under the United States, or any other power, shall be eligible to any office of honor, trust, or profit in this State; but officers in the militia who receive no annual salary, and local officers and Postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed persons holding lucrative offices.

SEC. 15. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 16. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

SEC. 17. If these amendments are approved and ratified by the people, the Legislature of which the members of the Assembly are elected at the general election in the year eighteen hundred and seventy-seven, shall meet on the first Monday in December, eighteen hundred and seventy-seven.

SEC. 18. The Legislature, at its first session, or as soon as may be after the adoption of this Constitution, shall pass such laws as may be necessary to carry the same into full force and effect.

SEC. 19. All persons in office in this State at the time of the adoption of these amendments, shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this Constitution.

SEC. 20. At the general election next after the adoption of these amendments, there shall be elected in the City and County of San Francisco, seven Judges of the District Court of said city and county.

SEC. 21. The Legislature, at the first session after the adoption and ratification of these amendments, shall fix and determine the compensation of the Justices of the Supreme Court, and of the Judges of the several judicial districts of the State, and the provisions of section twenty-four, of Article VI, shall not be deemed inconsistent herewith.

SEC. 22. All existing Courts shall continue in existence until the first Tuesday after the first Monday in January, eighteen hundred and seventy-eight, without abridgment of their present jurisdiction and powers.

SEC. 23. All actions and proceedings pending in the District, County, and Probate Courts of the several counties in this State, and in the Municipal Criminal Court of San Francisco, on the first Tuesday after the first Monday in January, eighteen hundred and seventy-eight, shall be transferred to and tried and determined in the District Court of the county in which such actions or proceedings are pending.

SEC. 24. All actions or proceedings pending and undetermined in the Supreme Court now in existence, on the first Monday in January, eighteen hundred and seventy-nine, must be transferred for determination to the Supreme Court created by these amendments.

SEC. 25. All rights, prosecutions, claims, and contracts existing, and all laws in force at the time of the adoption of these amendments, and



not inconsistent therewith, until altered or repealed by the Legislature, shall continue as if these amendments had not been adopted.

SEC. 26. In all laws which shall be in force on the Tuesday after the first Monday in January, eighteen hundred and seventy eight, in which the words Probate Court, Probate Judge, County Court, County Judge, Municipal Criminal Court of San Francisco, and Judge of the Municipal Criminal Court of San Francisco, appear, such words shall have the same effect as if written District Court and Judge of the District Court, respectively.

The roll was called, the bill passed, and the proposed Constitutional amendments agreed to in Senate, by the following vote:

AYES—Messrs. Beck, Boggs, Bush, Crane, DeHaven, Dyer, Eakin, Edgerton, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—33.

NOES—Messrs. Bartlett, Duffy, and Oulton—3.

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bill:

Senate Bill No. 551—An Act to amend section five hundred and ninety-six of the Political Code.

TUTTLE, for Committee.

#### SPECIAL FILE.

Senate Bill No. 313—An Act to improve the navigation of the Sacramento and San Joaquin Rivers.

Substitute adopted, and ordered engrossed.

#### SPECIAL ORDER.

Substitute for Senate Bills Nos. 150, 165, and 214—An Act creating a Board of Transportation Commissioners, and to prevent extortion and discrimination in fares and freights on railroads within this State.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Farley, Duffy, and Fraser, and it was passed, by a vote as follows:

AYES—Messrs. Boggs, Bush, DeHaven, Duffy, Dyer, Eakin, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, McKusick, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—26.

NOES—Messrs. Andross, Bartlett, Beck, Crane, Edgerton, Garratt, Laine, Lindsey, Martin, McCoy, McCune, McMurry, Neff, and Oulton—14.

#### REPORTS.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No.

546—An Act to pay officers and clerks of the Senate and Assembly for the twentieth session;

Also, Senate Bill No. 541—An Act supplemental to and amendatory of an Act entitled an Act providing for the keeping of more complete records of the County of Santa Clara, and prescribing the duties of certain officers in relation thereto, approved March third, eighteen hundred and seventy-four; and an Act to regulate the fees of the County Recorder of Santa Clara County, approved March third, eighteen hundred and seventy-four;

Also, Senate Bill No. 381—An Act to amend sections three thousand nine hundred and seventy-nine and three thousand nine hundred and eighty-five of the Political Code;

Also, Senate Bill No. 374—An Act relative to the publication of amendments to the Codes;

Also, Senate Bill No. 441—An Act to authorize the Boards of Supervisors of the certain counties named therein, to transfer certain funds, and to empower the Boards of Supervisors of said counties to levy a tax, when necessary, to provide the means to return said funds when required;

Also, Senate Bill No. 307—An Act to amend the Political Code in reference to the boundaries of Alameda County;

Also, Senate Bill No. 531—An Act supplementary to an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, approved April twenty-fourth, eighteen hundred and sixty-two;

Also, Senate Bill No. 506—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure;

Also, Senate Bill No. 333—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two;

Also, Senate Bill No. 436—An Act to legalize certain proceedings in Reclamation District Number One Hundred and Twenty-four;

And have presented the same to the Governor for his approval, this day, at eight o'clock and thirty minutes P. M.

And at the same time delivered to the Governor Senate Concurrent Resolution No. 64—tendering thanks of the Legislature to S. J. Bridge.

McMURRY, Chairman.

#### INTRODUCTION OF BILLS.

Mr. Edgerton, by leave, introduced a bill as follows:

An Act concerning the officers of the City of Sacramento.

Read first and second times, and referred to the delegation.

The following bills were taken up under a suspension of the rules:

Assembly Bill No. 507—An Act to amend certain sections of the Political Code, in relation to collection of poll taxes.

Amendments adopted, read third time, and passed.

Assembly Bill No. 430—An Act to amend section thirty-six hundred and seventeen of the Political Code.

Read third time, and passed.

Senate Bill No. 536—An Act for the relief of purchasers of City Hall lots, in the City and County of San Francisco.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 480—An Act for the encouragement of agriculture and other industries.

Amendments adopted.

Mr. Finney moved to strike out the enacting clause, on which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Bartlett, Bush, Eakin, Finney, Goodale, Hendricks, Kent, Laine, Lindsey, McCoy, Neff, and O'Connor—12.

NOES—Messrs. Andross, Boggs, Crane, DeHaven, Duffy, Dyer, Edgerton, Evans, Farley, Fraser, Garratt, Gibbons, Graves, Hopkins, Irwin, Martin, McCune, McMurry, Oulton, Pendegast, Roach, Spencer, Turner, and Tuttle—24.

At ten o'clock and forty-seven minutes P. M., Mr. O'Connor moved to adjourn.

The ayes and noes were demanded by Messrs. Boggs, Duffy, and Fraser, and the motion was lost, by the following vote:

AYES—Messrs. Bush, Eakin, Finney, Gibbons, Goodale, Graves, Laine, Lindsey, O'Connor, Oulton, Turner, and Tuttle—12.

NOES—Messrs. Andross, Bartlett, Boggs, Crane, DeHaven, Duffy, Dyer, Edgerton, Evans, Farley, Fraser, Garratt, Hendricks, Hopkins, Irwin, Kent, Martin, McCoy, McCune, Neff, Pendegast, Perkins, Roach, and Spencer—24.

Mr. Irwin moved to suspend the rules to place the bill on its final passage.

The ayes and noes were demanded by Messrs. O'Connor, Lindsey, and McCoy, and the motion prevailed, by a vote as follows:

AYES—Messrs. Andross, Bartlett, Boggs, Crane, DeHaven, Duffy, Dyer, Edgerton, Evans, Farley, Fraser, Hendricks, Hopkins, Irwin, Kent, McCune, Neff, Oulton, Pendegast, Roach, Spencer, and Tuttle—22.

NOES—Messrs. Bush, Eakin, Finney, Gibbons, Goodale, Graves, Laine, Lindsey, McCoy, O'Connor, and Turner—11.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Finney, Boggs, and Turner, and the bill passed, by a vote as follows:

AYES—Messrs. Andross, Bartlett, Boggs, Crane, DeHaven, Duffy, Dyer, Edgerton, Evans, Farley, Fraser, Garratt, Hendricks, Hopkins, Irwin, Kent, Martin, McCune, Neff, Pendegast, Roach, and Spencer—22.

NOES—Messrs. Bush, Eakin, Finney, Gibbons, Goodale, Graves, Laine, Lindsey, McCoy, O'Connor, Oulton, Turner, and Tuttle—14.

On motion of Mr. Oulton, the rules were suspended to take up Assembly Bill No. 752—An Act to provide for the further construction of the City Hall, in the City and County of San Francisco.

Amendments adopted, read third time, and passed.

Mr. Roach moved to suspend the rules to take up Assembly Bill No.

218—An Act to redistrict the City and County of San Francisco, and to provide for the election of Supervisors therein.

On which the ayes and noes were demanded by Messrs. Oulton, Evans, and Fraser, and the Senate refused, by a vote as follows, two thirds failing to vote in the affirmative:

**AYES**—Messrs. Andross, Beck, DeHaven, Duffy, Eakin, Edgerton, Evans, Farley, Fraser, Gibbons, Hendricks, Irwin, Kent, Martin, McCoy, O'Connor, Pendegast, and Roach—18.

**NOES**—Messrs. Bartlett, Crane, Finney, Garratt, Goodale, Graves, Laine, Lindsey, Neff, Oulton, and Spencer—11.

On motion of Mr. Edgerton, the rules were suspended to take up Assembly Bill No. 613—An Act amending certain sections of the Political Code relative to the assessment of property for taxation.

Amendments adopted, read third time, and passed.

#### REPORTS.

Mr. Hopkins submitted a report, as follows:

**MR. PRESIDENT:** The delegation from Calaveras, to whom was referred Assembly Bill No. 725—An Act supplemental to an Act entitled an Act to provide for the redemption of the bonded indebtedness of Calaveras County, approved March thirtieth, eighteen hundred and seventy-two—respectfully report that they have examined the same, and recommend its passage.

**HOPKINS,  
DYER,**  
Delegation.

Rules suspended, the bill taken up, read third time, and passed.

Assembly Bill No. 790, reported as having passed the Assembly, was taken up, read first and second times, rules suspended, read third time, and passed.

Mr. Bartlett reported Assembly Bill No. 777—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint a Messenger to the Board of Fire Commissioners of said city and county.

Rules suspended, bill taken up, read third time, and passed.

Mr. Gibbons introduced a bill as follows: An Act to confer further powers upon the Board of Supervisors of Alameda County.

Read first and second times, rules suspended, and by unanimous consent read third time, and passed.

Mr. Lindsey submitted a report, as follows:

**MR. PRESIDENT:** The Fresno delegation, to whom was referred Assembly Bill No. 606—An Act to authorize the Board of Supervisors of Fresno County to extend the time for the completion of certain improvements—have had the same under consideration, and now report the bill back, without recommendation.

**LINDSEY,** for Delegation.

At eleven o'clock and five minutes P. M., on motion of Mr. Fraser, the Senate adjourned.



## IN SENATE.

SENATE CHAMBER.

Monday, March 30th, 1874. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

The Journal of Saturday was being read, when Mr. O'Connor moved that the further reading of the same be postponed until seven o'clock and thirty minutes P. M.

So ordered.

## REPORTS.

Reports were submitted, as follows:

By Mr. Neff:

MR. PRESIDENT: The Committee on State Prison, to whom was referred Assembly Bill No. 724, having considered the same, report it back, and recommend that it do not pass.

Also, return numerous petitions and papers, heretofore referred to said committee, and desire this to be considered our final report.

NEFF, Chairman.

By Mr. Neff:

A resolution providing for finishing all copying left unfinished after adjournment; also, of the Senate appendices, the same to be done by Copying Clerks, at twelve cents per folio.

On motion of Mr. O'Connor, the resolution was indefinitely postponed.

By Mr. Perkins:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 772—An Act authorizing the State Board of Examiners to allow certain claims against the State—and respectfully report the bill back, and recommend its passage.

Also, have had under consideration Senate Bill No. 550—An Act to pay a claim against the State of California in favor of John Breuner—and respectfully report it back, with the recommendation that it do not pass.

PERKINS, Chairman.

Rules suspended, Assembly Bill No. 772, above reported, taken up, read third time, and passed.

By Mr. Laine:

MR. PRESIDENT: The Joint Committee of the Senate and Assembly, appointed to examine into the management of the University of California, including the administration of the trusts confided to the Regents thereof, and to report to the Legislature in the premises, respectfully submit the following report:

The resolution, in pursuance of which the joint committee was ap-

pointed, was adopted by both branches of the Legislature of the seventh day of February, eighteen hundred and seventy-four. On the ninth day of said month the committee was appointed. The work of the session had by this time become onerous, and the members of the committee were much pressed with their regular duties, and could not, in justice to the State at large, as well as their own immediate constituents, devote as much time to this special work as its importance demanded. This the committee much regretted, but could not avoid. They have given the matter such attention as their time would allow.

LAINÉ,  
EVANS,  
KEYS,

Senate Committee.

AMERMAN,  
TINNIN,  
MEYERS,  
FRIEDENRICH,  
CANFIELD,

Assembly Committee.

The report was ordered printed.

[For report, see Appendix.]

By Mr. Finney:

MR. PRESIDENT: The San Mateo delegation, to whom was referred Assembly Bill No. 730, respectfully report it back to the Senate, and recommend that it do not pass, for two reasons: First—That a law, for the county at large, already passed, allows each of the three Supervisor districts to issue bonds to the amount of ten thousand dollars for road purposes. Second—That under the road law lately passed, the county would get all the necessary funds for road purposes.

FINNEY, for Delegation.

By Mr. Farley—Assembly Bill No. 456—An Act to prevent hogs and goats running at large in the Town of Amador City, Amador County.

Rules suspended, bill taken up, read third time, and passed.

By Mr. Duffy—Senate Bill No. 553—An Act concerning officers of Sacramento.

Rules suspended, bill taken up, considered engrossed, read third time, and passed.

Assembly Concurrent Resolution No. 59—to suspend Joint Rule Number Fifteen—was taken up, and concurred in.

By Mr. Evans:

MR. PRESIDENT: The Committee of Free Conference on Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years—after a due consideration of the question of the disagreeing vote of the two Houses, on the report of said committee, heretofore made, now respectfully recommend:

First—That the Assembly concur in the Senate amendment striking out the appropriation for the salaries of the State Board of Examiners.

Second—That the Assembly concur in the Senate amendment striking

out the appropriation for the State Board of Equalization, and traveling expenses, except as to the salaries of the two members of the Board appointed by the Governor, and the Clerk: and that an appropriation of nine thousand six hundred dollars be made for said two members' salaries, and three thousand six hundred dollars for the Clerk.

GEO. S. EVANS,  
W. J. GRAVES,  
W. W. PENDEGAST,  
Senate Committee.

D. FREIDENRICH,  
F. S. FREEMAN,  
J. E. MURPHY,  
House Committee.

Report adopted.  
By Mr. McMurry:

*Resolved by the Senate, the Assembly concurring,* That the Enrolling Clerk is authorized to correct an error in section thirty-four of Senate Bill No. 108, by inserting in the place of the first sentence of said section the following:

Section 34. The following are added as new sections to said Code, and must be designated as sections four hundred, four hundred and eighty one, and four hundred and eighty-two; section four hundred must be inserted in said Code after section three hundred and ninety-nine; and sections four hundred and eighty one and four hundred and eighty-two must be inserted in said Code after section four hundred and eighty.

Adopted.  
By Mr. Garratt:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 788—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco;

Also, Assembly Bill No. 779—An Act to regulate fees of officers in the City and County of San Francisco;

Having had the same under consideration, report the same back, and recommend their passage.

GARRATT, for Delegation.

Rules suspended, and Assembly Bills Nos. 788 and 779, above reported, taken up, each read a third time, and passed.

By Mr. Lindsey:

MR. PRESIDENT: Your Committee of Conference upon Assembly Bill No. 647—An Act amendatory of an Act entitled an Act to provide for the protection of certain lands in Sutter County from overflow, approved March twenty-fifth, eighteen hundred and sixty-eight, and to an Act supplementary thereto, approved March thirtieth, eighteen hundred and seventy-two—respectfully report that they have had the same under consideration, in conjunction with the Committee of Conference from the House, and that the Joint Committee have failed to agree; and your

committee therefore recommend that this Senate shall adhere to its amendment to said Assembly Bill No. 647.

LINDSEY, for Committee.

Report adopted.

# MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 28th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed and ordered transmitted without engrossment, Assembly Bill No. 660—An Act to legalize the assessment of a street tax in the City of Sacramento.

Also, Assembly Bill No. 789—An Act supplementary to an Act entitled an Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties, and fees of Court and its officers, approved March tenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 790—An Act to provide for the collection of delinquent reclamation assessments in Sacramento County.

Also, passed Senate Bill No. 422—An Act to organize the Board of Supervisors, and to define their duties, in the County of El Dorado.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 28th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused to concur in Senate amendments to Assembly Bill No. 785—An Act to amend sections three thousand seven hundred, three thousand seven hundred and one, and three thousand seven hundred and two of the Political Code.

Also, passed Senate Bill No. 552—An Act to repeal an Act entitled an Act supplementary to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, refused to concur in Senate amendments to Substitute for Assembly Bills Nos. 1 and 26—An Act to amend certain sections of the Political Code, and to repeal certain other sections.

Also, adopted the following resolution:

*Resolved*, That the Senate be requested to return to this House, Assembly Bill No. 786—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county—said bill having been erroneously transmitted to the Senate.

JOHN WEBBER,  
Assistant Clerk.



ASSEMBLY CHAMBER,  
March 30th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 758—An Act to continue and complete the investigation into the alleged frauds in the various land departments of the State of California, and of the United States, within the State of California.

And appointed, as a committee of conference on Assembly Bill No. 770—An Act making appropriations for benevolent purposes and to provide for certain deficiencies—Messrs. Ingham, Amerman, and Dixon.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 30th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 551—An Act to amend section five hundred and ninety-six of the Political Code.

Also, adopted the report of the Committee of Conference on Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years.

Also, concurred in Senate amendments to the following Assembly Bills, to wit: Nos. 507, 613, and 752.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 30th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 791—An Act to appropriate money for the use of the State Prison at San Quentin.

Also, Assembly Bill No. 792—An Act relating to tax titles in Sacramento County.

Also, adopted Senate Concurrent Resolution No. 65—to correct an error in section thirty-four in Senate Bill No. 108, by inserting in the place of the first sentence of said section, a certain new section.

Also, refused to pass Senate Bill No. 52—An Act to amend an Act entitled an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, passed March twenty-third, eighteen hundred and seventy-two.

Also, concurred in Senate amendment to Assembly Bill No. 456; and adopted the report of the Committee of Conference on Assembly Bill No. 647—An Act amendatory to the Act entitled an Act to provide for the protection of certain lands in Sutter County from overflow, approved March twenty-fifth, eighteen hundred and sixty-eight, and to the Act supplementary thereto, approved March thirtieth, eighteen hundred and seventy-two.

JOHN WEBBER,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 660, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 789, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 785, above reported, the Senate adhered to its amendments, rules suspended, and the Chair appointed Messrs. Pendegast, Laine, and Evans a Committee of Free Conference.

Substitute for Assembly Bills Nos. 1 and 26, above reported, the Senate adhered to its amendments, the rules were suspended, and the Chair appointed Messrs. Tuttle, Finney, and Duffy a Committee of Free Conference.

Assembly Bill No. 758, above reported, read first and second times.

On a motion to suspend the rules to place the bill on its final passage, the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Bartlett, Bush, DeHaven, Eakin, Finney, Fraser, Goodale, Irwin, Lindsey, McCoy, O'Connor, Perkins, Roach, Spencer, Turner, and Tuttle—16.

NOES—Messrs. Andross, Beck, Boggs, Crane, Duffy, Dyer, Evans, Farley, Gibbons, Graves, Hendricks, Hopkins, Kent, Keys, Laine, Martin, McCune, McKusick, Neff, and Pendegast—20.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 28th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 341—An Act to amend an Act concerning roads and highways in the County of El Dorado, approved March fifteenth, eighteen hundred and seventy-two.

Also, Senate Bill No. 178—An Act to provide for the proper distribution, in the several County Treasuries, of funds arising from the sale of swamp lands.

Also, Senate Bill No. 516—An Act to authorize the Board of Supervisors of Los Angeles County to protect certain lands in El Norte Township against the overflows of San Gabriel River.

Also, Senate Bill No. 296—An Act regulating the sale of mineral lands belonging to the State.

Also, Senate Bill No. 98—An Act to provide for the payment of certain bonds of the County of Lake.

Also, Senate Bill No. 515—An Act to amend the Political Code.

Also, Assembly Bill No. 405—An Act to enforce the educational rights of children.

Also, Senate Bill No. 472—An Act in relation to taxation of solvent debts, other than those secured by mortgage or other liens.

Also, Senate Bill No. 275—An Act to authorize the City Clerk of the

City of Placerville to execute certain trusts in relation to the lands granted to said city.

Also, Senate Bill No. 434—An Act to amend sections six hundred and sixteen and six hundred and seventeen of the Political Code.

Also, Senate Bill No. 507—An Act to annex the territory comprised in the present County of Klamath, to the Counties of Humboldt and Siskiyou.

Also, Senate Bill No. 530—An Act to repeal an Act entitled an Act to authorize the City of San José to issue bonds to provide sewerage for said city, approved March fourteenth, eighteen hundred and seventy-two.

Also, Senate Bill No. 535—An Act to authorize the Mayor and Common Council of the City of Los Angeles to pay certain warrants drawn on the Salary Fund.

Also, Senate Bill No. 539—An Act to amend an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two.

Also, Senate Bill No. 525—An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the damages awarded to certain owners of property in the matter of the opening of Second street (commonly known as the Second street Cut).

Also, Senate Bill No. 511—An Act to amend section fifteen hundred and five of the Code of Civil Procedure of California.

Also, Senate Bill No. 308—An Act to amend sections eight hundred and forty-five and eight hundred and forty-nine of an Act entitled an Act to establish a Code of Civil Procedure.

Also, Senate Bill No. 459—An Act to amend section five hundred and fourteen of the Civil Code.

Also, Senate Bill No. 478—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals in the County of Colusa, approved March twenty-eighth, eighteen hundred and seventy-two.

Also, Senate Bill No. 314—An Act to amend certain sections and repeal certain sections of the Political Code.

NEWTON BOOTH,  
Governor.

Mr. Laine verbally reported Assembly Bill No. 728—An Act to amend section three thousand nine hundred and fifty-two of the Political Code, and to better define the boundary line of Santa Clara County—and recommended its passage.

Mr. Laine moved to suspend the rules to take up the bill.

Lost.

By Mr. Irwin:

Assembly Bill No. 714—An Act to make an appropriation for fitting up the Governor's Mansion for the purpose thereof as a State Printing Office and State Armory—and recommended its passage.

Rules suspended, read third time, and passed.

Mr. Dyer verbally reported Assembly Bill No. 71—An Act to amend an Act fixing the time of holding the County Court and Probate Court in the County of Calaveras, approved April fourth, eighteen hundred and sixty-four.

Rules suspended; bill taken up.

Indefinitely postponed.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Irwin—An Act prescribing the manner of appropriating school money in Siskiyou and Sonoma Counties.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Bartlett—An Act concerning the fees and salaries of the officers of the City and County of San Francisco.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. McKusick—An Act to prevent hogs running at large on certain lands in this State.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Finney—An Act supplementary to an Act entitled an Act to amend the Political Code in relation to highways, approved March thirtieth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Laine—An Act to amend section three hundred and thirty of the Penal Code.

Read first and second times.

Mr. Laine moved to suspend the rules, to consider the bill engrossed, and place it on its final passage.

On which the ayes and noes were demanded by the requisite number, and the Senate refused—two thirds failing to vote in the affirmative:

AYES—Messrs. Andross, Bartlett, Bush, Crane, DeHaven, Eakin, Gibbons, Goodale, Hendricks, Laine, Lindsey, Martin, McCune, McKusick, O'Connor, Perkins, Spencer, Turner, and Tuttle—19.

NOES—Messrs. Boggs, Duffy, Dyer, Farley, Fraser, Hopkins, Irwin, Kent, Keys, and McCoy—10.

Mr. Duffy verbally reported Assembly Bill No. 751—An Act in relation to the government of the County of Sacramento—recommending its passage.

Rules suspended, read third time, and passed.

## REPORT.

Mr. Neff made a report, as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 313—An Act to improve the navigation of the Sacramento and San Joaquin Rivers.

Also, Senate Bill No. 480—An Act for the encouragement of agriculture, and other industries.

NEFF, Chairman.



## MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Tuttle offered a resolution, as follows:

*Resolved*, That per diem for one week be allowed the Minute Clerk for examining and arranging, and, wherever necessary, correcting any error in copy of the Senate Journal, now in the hands of the State Printer, that there may be no delay in its early issue; the same payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

Mr. Duffy, pursuant to notice, moved to reconsider the vote whereby the Senate, on Saturday, refused to pass Assembly Bill No. 519—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder.

The ayes and noes were demanded by Messrs. Duffy, Bartlett, and Laine, and the vote was reconsidered, by the following vote:

AYES—Messrs. Andross, Boggs, Bush, Crane, Duffy, Dyer, Eakin, Edgerton, Evans, Fraser, Gibbons, Hendricks, Hopkins, Kent, Keys, Martin, McCoy, Neff, O'Connor, Pendegast, Perkins, Roach, and Spencer—23.

NOES—Messrs. Bartlett, De Haven, Goodale, Graves, Irwin, Laine, Lindsey, McCune, and McKusick—9.

Read a third time, and passed.

By Mr. Neff:

*Resolved*, That the Sergeant-at-Arms of the Senate be and he is hereby requested, immediately after the final adjournment of the Senate, to collect all spittoons, inkstands, waste baskets, pen racks, mucilage stands, pens and penholders, and all other property now in the Senate Chamber and the committee rooms and belonging to the State, and that he return the same to the Secretary of State, taking his receipt for the same.

Mr. Laine offered a substitute, as follows:

*Be it resolved by the Senate of the State of California*, That the Secretary of State be and he is hereby respectfully requested and directed:

First—To report to the Senate, in detail, the items of each Senator's account for articles furnished during this session of the Legislature, said report to be made on or before eight o'clock p. m. to-day.

Second—To receive from and receipt to each Senator for all articles so furnished that any Senator may desire to return to the State.

Third—That the Secretary of State cause to be printed in the Senate Journals a copy of each Senator's account for articles furnished at this session of the Legislature, together with a copy of all receipts given under the second subdivision of this resolution.

Fourth—That the Sergeant at-Arms of the Senate be and he is hereby directed to serve a copy of this resolution at once on the Secretary of State, and report the fact of such service to the Senate.

Substitute adopted.

Resolution, as amended, adopted.

By Mr. Laine:

*Be it resolved by the Senate of the State of California, That the Sergeant-at-Arms of the Senate be and he is hereby directed to report to the Senate at once:*

First—The names of each and every Senator who has not called for or received the postage stamps ordered to be purchased for Senators.

Second—That such Sergeant-at-Arms give to each Senator who has not drawn or received his stamps, a certificate, under his hand, of that fact.

Third—That the said Sergeant-at-Arms be directed to sell all such postage stamps not drawn or received by Senators, and pay over to the State Treasurer the money arising from such sale, to be placed to the credit of the General Fund, and take the Treasurer's receipt therefor.

Adopted.

Mr. Garratt verbally reported Assembly Bill No. 784—An Act to provide for the execution and delivery of deeds to purchasers of City Hall lots in the City and County of San Francisco—recommending its passage.

Rules suspended, bill taken up, read third time, and passed.

Mr. McMurry, for the Committee on Contingent Expenses, reported the following resolution, with an amendment striking out "to R. A. Redman, one hundred and sixty-two dollars":

*Resolved, That for the purpose of paying the expenses incurred by the Committee on Corporations in the consideration and investigation of railroad matters, the Controller of State is hereby authorized to draw his warrants on the State Treasurer, payable out of the Contingent Fund of the Senate, as follows:*

To J. E. Foulds, the sum of fifty-six dollars and forty cents.

To H. A. Jones, the sum of one hundred and fifty-seven dollars and forty-four cents.

To R. A. Redman, the sum of one hundred and sixty-two dollars.

Amendment agreed to, and the resolution adopted as amended.

#### GENERAL FILE.

Assembly Bill No. 397—An Act to enable the electors of the State to nominate their United States Senators.

Indefinitely postponed.

Assembly Bill No. 215—An Act to prevent fraudulent sales of merchandise.

Indefinitely postponed.

Senate Bill No. 501—To protect the people against quackery, and diffuse sound knowledge on medical subjects.

Indefinitely postponed.

Assembly Bill No. 599—An Act to legalize defective descriptions and assessments of property for the years eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Indefinitely postponed.

Assembly Bill No. 525—An Act for the protection of fish and game.

Indefinitely postponed.

Senate Bill No. 321—An Act for the protection of game and fish.

Indefinitely postponed.

Assembly Bill No. 654—An Act concerning the State Harbor Commission, and for other purposes.

Amended, read third time, and passed.

Assembly Bill No. 478—An Act to add a section, to be numbered section two hundred and ninety-seven, to an Act entitled an Act to establish a Penal Code.

Amendment adopted, read third time, and passed.

Assembly Bill No. 15—An Act to amend section fifty of the Code of Civil Procedure.

On motion of Mr. Bartlett, made the special order for two o'clock P. M.

At one o'clock P. M., on motion of Mr. Pendegast, the hour of recess was postponed.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 30th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 454—An Act to discourage drunkenness and diminish crime and pauperism.

Also, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 786—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

Also, adopted the report of the Committee of Conference on Senate Bill No. 27—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure.

Also, adopted and passed the substitute reported by the Committee of Conference on Assembly Bill No. 770—An Act making appropriations for benevolent purposes, and to provide for certain deficiencies.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 786, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 791, reported in a former message, read first and second times, rules suspended, read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Laine, Tuttle, and Neff, and the Senate refused to pass the bill, by a vote as follows:

AYES—Messrs. Andross, Boggs, Crane, Duffy, Edgerton, Evans, Garratt, Hopkins, Kent, Keys, Martin, Neff, Pendegast, Roach, and Spencer—15.

NOES—Messrs. Bartlett, Beck, Bush, DeHaven, Farley, Fraser, Gibbons, Goodale, Hendricks, Irwin, Laine, Lindsey, McCoy, McCune, McKusick, McMurry, O'Connor, Oulton, Perkins, Turner, and Tuttle—21.

Assembly Bill No. 792, reported to-day, read first and second times, and referred to the delegation named in the bill.

Assembly Bill No. 454, above reported, read first and second times, and referred to the Committee on Public Morals.

Substitute for Assembly Bill No. 770, above reported, read first and second times.

Mr. Evans, for the Committee of Free Conference, submitted the following report:

MR. PRESIDENT: The Committee of Free Conference on Assembly Bill No. 770—An Act making appropriations for benevolent purposes, and to provide for certain deficiencies—respectfully report that they have carefully considered the same, and now report back a substitute, and recommend the passage of the substitute.

EVANS,  
GRAVES,  
IRWIN,

Senate Committee.

AMERMAN,  
INGHAM,  
DIXON,

House Committee.

Report adopted, rules suspended, read third time, and passed.

#### COMMUNICATIONS.

The President pro tem. (in the chair) presented the following communications:

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }  
SACRAMENTO, March 30th, 1874. }

*To the honorable President of the Senate:*

SIR: I have the honor to acknowledge the receipt of a copy of the resolution adopted by your honorable body on Saturday last, requesting a detailed statement of the stationery account of each member and attaché of the Senate, as shown by requisitions made on this department.

The Assembly, a few days ago, made a similar request, and I have been able to comply therewith only so far as to separate the requisitions of the different members, attachés, and committees, it being a matter of impossibility to have kept the many accounts charged up, and at the same time perform the manifold and pressing duties devolved by law upon this department during the legislative session. In order to be able to comply with the terms of the resolution referred to, it would be necessary to open about one hundred and seventy-five different ledger accounts, and transcribe the same for each member, attaché, etc.

While the present system governing the distribution of stationery to members effects a vast saving to the State, it also increases the clerical labor of this office to a very great extent, and at a time when there are additional duties to be performed which cannot be deferred. This fact will be patent to any one who may choose to call and examine the number and character of the requisitions on file in this office.



I may add that the requisitions have been so arranged that any member can examine his own readily, and, if desired, he can be furnished with a statement fully itemized, as soon after the adjournment of the Legislature as the accounts can be posted and charged.

I have the honor to be,  
Very respectfully yours,

DRURY MELONE,  
Secretary of State.

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }  
SACRAMENTO, March 30th, 1874. }

*To the honorable the President of the Senate:*

SIR: I have the honor to acknowledge the receipt of a copy of the resolution of even date herewith, adopted by your honorable body, and in reply, beg leave to state that entire compliance therewith is utterly impossible within the time prescribed. Every Senator's orders are now in such shape that he can readily inspect the same, and I am and have been ready to promptly receipt for any and all articles that may be returned.

I am very respectfully yours,

DRURY MELONE,  
Secretary of State.

The special order set for two o'clock was postponed until two o'clock and thirty minutes P. M.

At one o'clock and thirty minutes P. M. the Senate took a recess until two o'clock and thirty minutes P. M.

#### REASSEMBLED.

At two o'clock and thirty minutes P. M. the Senate reassembled.  
President in the chair.  
Roll called, and a quorum present.

#### RESOLUTION.

Mr. Duffy, by leave, offered the following resolution:

*Resolved*, That Senators Laine, McKusick, and O'Connor be and they are hereby appointed a Select Committee, to whom all bills, resolutions, and other matters introduced this evening, shall be referred without reading, and that no matter be read or considered unless recommended by said committee.

Adopted.

SPECIAL ORDER, TWO O'CLOCK AND THIRTY MINUTES P. M.

Assembly Bill No. 15—An Act to amend section fifty of the Code of Civil Procedure.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Pendegast, Edgerton, and Oulton, and it passed, by a vote as follows:

AYES—Messrs. Andross, Bartlett, Beck, Bush, DeHaven, Dyer, Eakin, Finney, Garratt, Gibbons, Goodale, Graves, Hopkins, Irwin, Laine, McCoy, McCune, Oulton, Pendegast, Roach, and Tuttle—21.

NOES—Messrs. Boggs, Crane, Duffy, Edgerton, Farley, Fraser, Hendricks, Kent, Keys, Lindsey, Martin, McKusick, McMurry, Perkins, Spencer, and Turner—17.

Mr. Edgerton moved to take from the General File Assembly Bill No. 417—An Act to create the Twenty-first Judicial District.

Carried.

The bill was made special order for four o'clock P. M.; subsequently, on motion of Mr. Edgerton, the special order was postponed until eight o'clock P. M.

#### GENERAL FILE RESUMED.

Assembly Bill No. 616—An Act granting further powers to the Board of State Harbor Commissioners.

Assembly Bill No. 607—An Act providing for the removal of civil officers for violation of official duties.

Read third time, and passed.

Assembly Bill No. 218—An Act to redistrict the City and County of San Francisco, and to provide for the election of Supervisors therein.

Mr. Oulton moved to indefinitely postpone the bill, on which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Bartlett, Crane, Dyer, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Laine, Lindsey, McKusick, Neff, Oulton, Spencer, and Turner—16.

NOES—Messrs. Bush, DeHaven, Eakin, Evans, Farley, Hendricks, Irwin, Kent, Keys, McCoy, McCune, McMurry, O'Connor, Pendegast, and Roach—15.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 30th, 1874. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended and passed Senate Bill No. 543—An Act in relation to the City Hall Commissioners of San Francisco.

Also, refused to pass Senate Bill No. 553—An Act concerning officers of the City of Sacramento.

Also, amended and passed Senate Bill No. 555—An Act prescribing the manner of apportioning school moneys in Siskiyou and Sonoma Counties.

Also, appointed Messrs. Freeman, Gray, and Hurlburt as a Committee of Conference on Assembly Bill No. 785—An Act to amend sections three thousand seven hundred, three thousand seven hundred and one, and three thousand seven hundred and two of the Political Code.

Also, passed and ordered transmitted without engrossment, Assembly Bill No. 793—An Act to provide for the disposition of proceeds of poll taxes, in the County of El Dorado.

Also, passed Assembly Bill No. 783—An Act to amend sections three thousand six hundred and ninety-four and three thousand seven hundred and thirteen of the Political Code.

Also, passed Assembly Bill No. 794—An Act relative to the proposed amendments to the Constitution.

Also, concurred in Senate amendments to Assembly Bill No. 478.

Also, passed Senate Bill No. 557—An Act supplementary to an Act entitled an Act to amend the Political Code in relation to highways, approved March thirtieth, eighteen hundred and seventy-four.

Also, adopted Assembly Concurrent Resolution No. 61—to compare Constitutional amendments as recorded in Journals of Senate and Assembly.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 555, above reported, Assembly amendment to the bill concurred in.

Senate Bill No. 543, above reported, Assembly amendment to the bill concurred in.

Assembly Bill No. 794, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 793, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Concurrent Resolution No. 61, above reported, concurred in.

Assembly Bill No. 783, above reported, read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE RESUMED.

Assembly Bill No. 710—An Act to amend section five hundred and thirty-two of the Penal Code and to add a new section to said Code.

Amended; read third time, and passed.

Assembly Bill No. 679—An Act to amend section twelve hundred and fifty-four, Title VII, of the Code of Civil Procedure.

Read third time, and passed.

Assembly Bill No. 658—An Act respecting actions against railroads.

Read third time, and passed.

Senate Bill No. 518—An Act for the protection of game and fish in certain counties of this State.

Amended.

Enacting clause stricken out.

Assembly Bill No. 701—An Act to add another section to the Penal Code.

Read third time, and passed.

Assembly Bill No. 656—An Act to confer additional powers on municipal authorities in incorporate cities and towns in this State.

Indefinitely postponed.

Assembly Bill No. 513—An Act to amend section thirty-eight hundred and sixty-six of the Political Code.

Read third time, and passed.

Mr. Pendegast, for the Judiciary Committee, reported Assembly Bill No. 783—An Act to amend sections thirty-six hundred and ninety-six and thirty-seven hundred and nineteen of the Political Code.

Rules suspended, read third time, and passed.

#### REPORTS.

Mr. McMurry submitted a report, as follows:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 108—An Act to amend the Penal Code;

Also, Senate Bill No. 483—An Act to regulate fees of office and salaries of certain officers in the County of Colusa, and to repeal all Acts now in force in relation thereto;

Also, Senate Bill No. 316—An Act to amend certain sections and to repeal certain sections of the Political Code, relating to the government of the State Normal School;

Also, Senate Bill No. 544—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure;

Also, Senate Bill No. 496—An Act to authorize the City of Oakland to obtain a supply of water;

Also, Senate Bill No. 422—An Act to organize the Board of Supervisors, and to define their duties, in the County of El Dorado;

Also, Senate Bill No. 526—An Act to authorize the Board of Supervisors of San Joaquin County to audit a certain claim;

Also, Senate Bill No. 464—An Act to authorize the Board of Supervisors of Solano County to levy a road tax;

Also, Senate Bill No. 457—An Act to amend an Act entitled an Act to amend sections three hundred and six and three hundred and seven of the Penal Code, approved March tenth, eighteen hundred and seventy-four;

Also, Senate Bill No. 552—An Act to repeal an Act entitled an Act supplementary to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and seventy-four;

Also, Senate Bill No. 426—An Act relating to the funds of Swamp Land District Number Eighteen;

Also, Senate Bill No. 52—An Act to amend section four hundred and nineteen and to add certain new sections to the Civil Code;

Also, Senate Bill No. 549—An Act to regulate the fees of Justices of the Peace and Constables of the County of Sacramento;

Also, Senate Bill No. 453—An Act to amend section three thousand two hundred and ninety-two of the Political Code;

Also, Senate Bill No. 537—An Act granting leave of absence to the County Surveyor of Butte County;

Also, Senate Bill No. 424—An Act to repeal section three thousand seven hundred and four of the Political Code;

Also, Senate Bill No. 545—An Act to amend section five hundred and twenty-nine of the Code of Civil Procedure;

Also, Senate Bill No. 493—An Act to regulate official salaries in the County of Solano;

Also, Senate Bill No. 446—An Act to incorporate the Town of Sutter Creek;



Also, Senate Bill No. 435—An Act to provide for the payment of certain Controller's warrants;

Also, Senate Bill No. 328—An Act in relation to the formation of a new swamp land district;

Also, Senate Bill No. 162—An Act granting privileges to the North Beach and Mission Railroad Company;

Also, Senate Bill No. 388—An Act to create a swamp land reclamation district, to be known as Lake District Number One, of Sacramento County;

Also, Senate Bill No. 238—An Act to amend section fourteen hundred and ninety-three of the Code of Civil Procedure;

Also, Senate Bill No. 499—An Act to amend section five hundred and fifty-six of the Political Code;

Also, Senate Bill No. 393—An Act for the better protection of stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining;

And have presented the same to the Governor, for his approval, this day, at eleven o'clock and fifteen minutes A. M.

And on Saturday, the twenty-eighth instant, presented to the Governor, for his approval, Senate Bill No. 547—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose.

McMURRY, Chairman.

Mr. Lindsey, from the Committee on Contingent Expenses, submitted a report containing a number of resolutions to pay certain claims and allowances, to wit:

W. H. Mott, for fifteen days services in the engrossing department prior to his appointment as assistant;

A. F. Thompson, Journal Clerk, for three days services before elected, and fifty-six dollars for finishing, comparing, and ruling the Journals before delivering the same to the Secretary of State;

James Saultry, for acting as day watchman, at two dollars per day, during the session;

Also, ice bill, fifty-five dollars;

Washing bill, twenty-five dollars;

C. Rowe, for locks, nine dollars and fifty cents;

George Rowland, Postmaster, for postage and box rent, forty-five dollars and fifteen cents;

Recommending their adoption.

Also, adversely upon a resolution requiring the Senate Postmaster to remain ten days after the close of the session;

Also, a bill of G. M. Parker, for repairing and keeping in running order the clock of the Senate;

Without recommendation.

Report adopted, and afterwards amended to provide for paying the several resolutions adopted, out of the appropriation for the contingent expenses of the Senate.

Mr. Finney submitted a joint report from the committee appointed to consider "the matter embraced in the memorial of the California Women's Suffrage Association."

The report was ordered printed.

[For report, see Appendix.]

## GENERAL FILE RESUMED.

Senate Bill No. 392—An Act to amend section thirteen hundred and four of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, and passed.

Senate resolution—To print certain documents in Spanish.

Indefinitely postponed.

Assembly Bill No. 743—An Act to permanently locate the county seat of Fresno County.

Read third time, and passed.

Senate Bill No. 115—An Act to amend an Act to establish a Political Code, relative to public printing.

Indefinitely postponed.

Senate Bill No. 524—An Act to add an additional section to the Political Code, and to amend sections twenty-nine hundred and ninety-three, twenty-nine hundred and ninety-four, thirty hundred and seventy-six, thirty hundred and seventy-nine, thirty hundred and eighty-one, and thirty hundred and eighty-two thereof.

Indefinitely postponed.

Senate Bill No. 14—Proposed amendment to the Constitution.

Senate Joint Resolution No. 23—Proposed amendment to the Constitution.

Senate Bill No. 51—Proposed amendment to the Constitution.

Senate Bill No. 70—Proposed amendment to the Constitution.

Senate Bill No. 133—Proposed amendment to the Constitution.

Senate Bill No. 142—Proposed amendment to the Constitution.

Senate Bill No. 155—Proposed amendment to the Constitution.

Senate Bill No. 177—Proposed amendment to the Constitution.

Senate Bill No. 188—Proposed amendment to the Constitution.

Senate Bill No. 202—Proposed amendment to the Constitution.

On motion of Mr. Pendegast, the bills were laid on the table, the committee having recommended that they do not pass.

Assembly Bill No. 472—An Act to encourage the planting and cultivation of oysters.

Amended, read third time, and passed.

Assembly Bill No. 611—An Act authorizing and empowering the California Acclimatizing Society to provide for the restoration and preservation of fish in the waters of this State.

Indefinitely postponed.

Assembly Bill No. 698—An Act to amend section seven hundred and thirty-seven of the Political Code.

Indefinitely postponed.

Assembly Bill No. 664—An Act to amend section twenty-seven hundred and twenty-five of the Political Code.

Amended, read third time, and passed.

Assembly Concurrent Resolution No. 58—relative to liability of Central Pacific Railroad Company to convey State Messengers free of charge.

Assembly Bill No. 755—An Act to amend the Political Code.

Assembly Bill No. 641—An Act to add another section to the Penal Code.

Assembly Bill No. 576—An Act to amend sections ten hundred and twenty-eight, forty-three hundred and thirty-three, and twenty-two hundred and twenty-one of the Political Code.

Assembly Bill No. 588—An Act in relation to warehouses and wharfing receipts, and other matters pertaining thereto.

Assembly Bill No. 600—An Act to amend section thirty-five hundred and eighty-four of the Political Code.

Senate Bill No. 538—An Act to amend an Act concerning estray animals.

Senate Bill No. 517—An Act to amend section two hundred and sixty-nine of the Code of Civil Procedure.

Senate Bill No. 169—An Act authorizing and requiring the State Treasurer to commence civil actions, on behalf of the State of California, against certain persons therein named.

Senate Bill No. 540—An Act to amend section thirteen hundred and sixty-five of the Code of Civil Procedure.

Senate Bill No. 527—An Act to amend section sixteen hundred and eight of the Penal Code.

Senate Bill No. 443—An Act amending sections thirty-six hundred and fifty, thirty six hundred and fifty-one, thirty-six hundred and ninety-three, and thirty-seven hundred and twenty-eight of the Political Code.

Senate Bill No. 488—An Act to prevent fraudulent contests for lands in the name of the State.

Senate Bill No. 154—An Act to amend the Penal Code.

Senate Bill No. 120—An Act to regulate the liabilities of hotel keepers, etc.

Senate Bill No. 305—An Act to acquire title to certain lands in the Governor's Mansion block.

In accordance with the recommendation of the Judiciary Committee, on motion of Mr. Pendegast, the bills were indefinitely postponed.

Senate Bill No. 502—An Act to provide for the investigation and equitable adjustment of certain claims against the County of Sonoma.

Mr. Tuttle offered the following substitute:

SECTION 1. The Board of Supervisors of the County of Sonoma are hereby authorized to investigate the claim of A. B. Bowers against said county.

SEC. 2. If the Board find the said Bowers entitled to relief, or if they find that the County of Sonoma is indebted to the said Bowers, either in law or equity, they are hereby authorized to pay the same out of any money in the General Fund of the county, not to exceed three thousand dollars.

SEC. 3. On payment of the sum provided for in section two of this Act, the said Bowers must transfer to the County of Sonoma the copyright of said map.

SEC. 4. This Act shall be in force from and after its passage.

On adopting the substitute, the ayes and noes were demanded by Messrs. Tuttle, Goodale, and Gibbons, and the Senate refused, by a vote as follows:

AYES—Messrs. DeHaven, Farley, Goodale, Irwin, Lindsey, McCoy, O'Connor, Oulton, and Tuttle—9.

NOES—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, Dyer, Edgerton, Evans, Finney, Fraser, Gibbons, Hopkins, Keys, Laine, Martin, McCune, McMurry, Neff, Perkins, Roach, and Spencer—22.

The substitute offered by the Committee on Claims was adopted.

On a motion to suspend the rules, to consider the bill engrossed, and place it on its final passage, the ayes and noes were demanded by Messrs. Tuttle, Gibbons, and Crane, and it was so ordered, by a vote as follows:

**AYES**—Messrs. Andross, Boggs, Bush, Crane, DeHaven, Dyer, Edgerton, Evans, Finney, Fraser, Garratt, Gibbons, Graves, Hopkins, Kent, Keys, Laine, Martin, McCune, McKusick, McMurry, Pendegast, Perkins, Roach, Spencer, and Turner—26.

**NOES**—Messrs. Bartlett, Farley, Goodale, Hendricks, Irwin, Lindsey, McCoy, O'Connor, Oulton, and Tuttle—10.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Tuttle, Bartlett, and O'Connor, and it passed, by a vote as follows:

**AYES**—Messrs. Andross, Boggs, Bush, Crane, Dyer, Edgerton, Evans, Fraser, Garratt, Gibbons, Graves, Hopkins, Kent, Keys, Laine, Martin, McCune, McMurry, Neff, Perkins, Roach, Spencer, and Turner—23.

**NOES**—Messrs. Bartlett, DeHaven, Farley, Goodale, Irwin, Lindsey, McCoy, McKusick, O'Connor, and Tuttle—10.

#### REPORTS.

Mr. Pendegast submitted the following report:

**MR. PRESIDENT:** The Committee of Conference on Assembly Bill No. 785—An Act to amend sections three thousand seven hundred, three thousand seven hundred and one, and three thousand seven hundred and two of the Political Code, having considered said bill, report the same back, with the recommendation that the Senate amendment providing for striking out in lines seven and eight of section one the words, "and the annual salary of the ex officio member is one thousand dollars," be receded from by the Senate; also, that the Senate amendment providing for striking out section second of the bill and inserting in lieu thereof the words: "Section Second. This Act shall take effect and be in force from and after the thirtieth (30th) day of June, eighteen hundred and seventy-four," be concurred in by the Assembly.

GEO. S. EVANS,  
W. W. PENDEGAST,  
Senate Committee.

F. S. FREEMAN,  
JOHN C. GRAY,  
House Committee.

The report was adopted.

Mr. Pendegast, from the Judiciary Committee, verbally reported Assembly Substitute for Senate Bill No. 492.

At five o'clock and twenty minutes P. M., on motion of Mr. Farley, the Senate took a recess until eight o'clock P. M.



## EVENING SESSION.

At eight o'clock P. M., the Senate reassembled.

President in the chair.

Roll called, and a quorum present.

The reading of the Journal of Saturday was commenced, when, on motion of Mr. Duffy, further reading of the same was dispensed with.

## REPORTS.

Mr. Roach submitted the following report:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 786—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county—have had the same under consideration, report the same back, and recommend its passage.

ROACH, for Delegation.

Rules suspended, the bill above reported taken up, read third time, and passed.

Mr. Farley submitted a report, as follows:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 396—An Act creating a Board of Transportation Commissioners, and prescribing their duties and powers—herewith report the same back, and recommend that it do not pass.

Also, Senate Bill No. 368—An Act to create a railroad police, and define its duties—with a like recommendation.

Also, Substitute for Assembly Bill No. 400—An Act to prevent unjust discrimination by railroad and other transportation companies in the rates charged for the transportation of passengers and freight, and to make the rates of freight and fare uniform—and recommend that it do not pass.

Also, Assembly Bill No. 362—An Act concerning railroad tickets in this State—and recommend that it do not pass.

Also, Assembly Bill No. 429—An Act to regulate freight on railroads in the State of California when shipped by the car load—and recommend that it do not pass.

Also, Assembly Bill No. 336—An Act granting the right to carriers and vendors of newspapers, books, and periodicals to sell and distribute the same on railroad trains and steamers in this State—and recommend that it do not pass.

Also, Assembly Bill No. 449—An Act to amend an Act entitled an Act supplemental to an Act concerning corporations, passed twenty-second of April, one thousand eight hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two—and recommend that it do not pass.

Also, Assembly Concurrent Resolution No. 24—relative to instructing our Senators in Congress to oppose the passage of any law giving to railroad companies or corporations title to any lands, whether mineral or agricultural—and recommend its passage.

Also, Assembly Bill No. 739—An Act supplementary to an Act enti-

tled an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four—and recommend that it do not pass.

Your committee further report, that the subject matter of the above mentioned bills is embraced in the bills heretofore reported to the Senate, and therefore deem it unnecessary to pass any of the bills herewith reported, and above referred to.

The committee herewith report back Assembly Bill No. 511, Senate Bill No. 324, and Senate Bill No. 319, without recommendation, the matters therein referred to being regulated by the Code of Civil Procedure.

Also, Assembly Bill No. 380—An Act to authorize certain persons to improve a portion of the Mokelumne River and erect a boom thereon;

Also, Assembly Bill No. 767—An Act to grant certain wharf privileges in Contra Costa County—are herewith reported back without recommendation.

FARLEY, Chairman.

Also, reported Substitute for Assembly Bill No. 412—An Act to reincorporate the City and County of San Francisco—without recommendation.

#### SPECIAL ORDER—EIGHT O'CLOCK P. M.

Assembly Bill No. 417—An Act to create the Twenty-first Judicial District.

Read third time, and on the passage of the bill the roll was called, and the Senate refused to pass the bill, by a vote as follows:

AYES—Messrs. Andross, DeHaven, Duffy, Dyer, Edgerton, Fraser, Graves, Kent, McCoy, and Perkins—10.

NOES—Messrs. Bartlett, Beck, Boggs, Bush, Crane, Eakin, Evans, Farley, Finney, Garratt, Gibbons, Goodale, Hendricks, Hopkins, Irwin, Keys, Laine, Lindsey, Martin, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Roach, Spencer, and Tuttle—28.

#### REPORTS.

Mr. Irwin, Chairman of the Committee on Finance, verbally reported Assembly Bill No. 226 and Senate Bills Nos. 514, 284, and 213, without recommendation.

Mr. Tuttle submitted a report, as follows:

MR. PRESIDENT: The Committee of Conference on the disagreeing vote on Substitute for Assembly Bills Nos. 1 and 26—An Act to amend certain sections of the Political Code and to repeal certain other sections—have had the same under consideration, and now beg leave to make the following report:

We advise that the Senate recede from its amendment to section seventeen of the bill.

Also, from its amendment to section nineteen of the bill.

Also, from its amendment to section twenty-nine of the bill.

Also, from its amendment to section thirty-one of the bill. And that the Assembly concur in the other amendments of the bill made in the Senate.

IRWIN,  
TUTTLE,  
DUFFY,  
Senate Committee.

TINNIN,  
ALDRICH,  
House Committee.

By Mr. Goodale:

MR. PRESIDENT: Your Committee on Public Morals have had under consideration Assembly Bill No. 454—An Act to discourage drunkenness, diminish crime, and prevent pauperism—report the same back, without recommendation.

GOODALE, Chairman.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 27—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure—and presented the same to the Governor, for his approval, this day, at three o'clock and fifteen minutes P. M.

Also, at eight o'clock P. M., presented to the Governor, for his approval, Senate Bill No. 557—An Act supplementary to an Act entitled an Act to amend the Political Code in relation to highways, approved March thirtieth, eighteen hundred and seventy-four;

Also, Senate Bill No. 548—An Act to amend section thirty-four of the Penal Code;

Also, Senate Bill No. 543—An Act in relation to the City Hall Commissioners of San Francisco;

Also, Senate Bill No. 555—An Act prescribing the manner of apportioning school money in Siskiyou and Sonoma Counties;

Also, Senate Bill No. 556—An Act to prevent hogs running at large on certain lands in this State.

McMURRY, Chairman.

By Mr. McMurry:

MR. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 551—An Act to amend section five hundred and ninety-six of the Political Code—and have presented the same to the Governor, for his approval, this day, at twelve o'clock and thirty minutes P. M.

McMURRY, Chairman.

Mr. Oulton moved to suspend the rules, to take up Assembly Substitute for Senate Bill No. 492—to add two new sections to the Political Code of California.

On the motion the ayes and noes were demanded by Messrs. Oulton, Lindsey, and Gibbons, and the Senate refused, by the following vote:

AYES—Messrs. Bartlett, Crane, DeHaven, Eakin, Fraser, Garratt,

Goodale, Keys, Martin, McCoy, Oulton, Perkins, Roach, Turner, and Tuttle—15.

NOES—Messrs. Beek, Boggs, Bush, Duffy, Dyer, Evans, Farley, Finney, Gibbons, Hopkins, Laine, Lindsey, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, and Spencer—19.

#### REPORT OF SELECT COMMITTEE.

The committee to whom all bills and resolutions were referred, offer the following resolution:

*Resolved*—That the following sums of money be paid out of the appropriation for the contingent expenses of the Senate, to wit:

Bill of Pacific Ice Company, from February first to March thirty-first, eighteen hundred and seventy-four.....	\$55 00
Bill of Mrs. Dean, for washing, upon recommendation of Sergeant-at-Arms of Senate.....	25 00
Bill of C. Rowe, for sundries, locks, and keys.....	9 50
Bill of Geo. Rowland, Postmaster of Sacramento, for postage and box rent for the session.....	45 15
Bill of James Saultry, as Watchman of Senate for the session, at two dollars per diem.....	240 00
Bill of Harry G. Benedict, for three days service in writing on Journal.....	24 00

O'CONNOR, for Committee.

Adopted.

The same committee also submitted the following:

*Resolved*, That the San Francisco delegation be and they are hereby directed to report back to this House, now, Assembly Bill No. 776—An Act providing for a Paid Fire Department in the City and County of San Francisco—and the committee recommend its adoption.

O'CONNOR, for Committee.

Adopted.

*Resolved*, That the President of the Senate be and he is hereby authorized to sign the Journals of the Senate, after the adjournment of the Legislature, with the same power and effect as such signing would have if signed whilst the Legislature was in session.

Recommend the adoption of the resolution.

O'CONNOR, for Committee.

Mr. Garratt, for the San Francisco delegation, verbally reported Assembly Bill No. 776—An Act providing for a Fire Department in the City and County of San Francisco—without recommendation.

Mr. McMurry, for the Committee of Conference, verbally reported



Assembly Bill No. 186—An Act to amend section two hundred and fifty-five of the Political Code—without recommendation.

GENERAL FILE RESUMED.

Senate Bill No. 534—An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco, approved March twenty-eighth, eighteen hundred and seventy-two.

Indefinitely postponed.

Senate Joint Resolution No. 57—concerning the survey of private land claims in California.

Indefinitely postponed.

Assembly Bill No. 544—An Act amendatory of an Act entitled an Act to regulate the fees of office and salaries of certain officers, and to repeal certain other Acts, etc.

Indefinitely postponed.

Assembly Bill No. 553—An Act in relation to stock roads.

The Senate refused to pass.

Assembly Bill No. 663—An Act to prohibit candidates for office from using or dispensing intoxicating liquors for electioneering purposes.

Read third time, and passed.

Assembly Bill No. 759—An Act authorizing the Board of Regents of the University of California to audit and pay a certain claim.

Read third time, and passed.

Senate Bill No. 128—An Act to amend section thirty-seven hundred and ninety-seven of the Political Code.

Indefinitely postponed.

Senate Bill No. 9—An Act to provide for the sale of incumbered real estate.

Indefinitely postponed.

Senate Bill No. 397—An Act regulating the fees of Justices of the Peace of the several counties of this State.

Indefinitely postponed.

Assembly Bill No. 655—An Act supplementary to and amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Santa Cruz.

Indefinitely postponed.

Senate Bill No. 482—An Act to amend certain sections and to repeal certain sections of the Political Code, so far as they relate to the collection of revenue in the County of Colusa.

Indefinitely postponed.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 30th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed and ordered transmitted without engrossment, Assembly Bill No. 796—An Act to elect certain officers in the City of Sacramento, and fix their compensation.

Also, concurred in Senate amendments to Assembly Bills Nos. 664, 442, and 710.

Also, refused to pass Senate Bill No. 392—An Act to amend section one thousand three hundred and four of the Code of Civil Procedure of the State of California.

Also, adopted Assembly Concurrent Resolution No. 62—instructing Enrolling Clerk to correct title to Assembly Bill No. 430.

Also, passed Senate Bill No. 554—An Act to confer further powers upon the Board of Supervisors of Alameda County.

Also, adopted report of Committee of Conference on Assembly Bill No. 785.

JOHN WEBBER,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 30th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 795—An Act to amend the Political Code.

Also, refused to pass Senate Bill No. 383—An Act to reorganize the Board of Supervisors of Lake County, and to provide for the election of two additional members thereof, and other matters relating thereto.

Also, passed Senate Bill No. 548—An Act to amend section six hundred and thirty-four of the Penal Code.

Also, passed Senate Bill No. 556—An Act to prevent hogs running at large on certain lands in this State.

And appointed as a Committee of Conference on Substitute for Assembly Bills Nos. 1 and 26—An Act to amend certain sections of the Political Code, and to repeal certain other sections—Messrs. Freeman, Aldrich, and Tinnin.

JOHN WEBBER,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 795, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 796, above reported, read first and second times, and referred to the delegation named in the bill.

Assembly Concurrent Resolution No. 62, above reported, concurred in.

#### REPORTS.

Mr. Duffy, for the Committee on Roads and Highways, verbally reported Senate Bill No. 355, Assembly Bills Nos. 203 and 512, without recommendation.

Mr. Pendegast verbally reported Assembly Bill No. 689, without recommendation.

Mr. Turner, for the special committee, appointed to read the Journals which had not been read, in full, in Senate, reported that the committee had performed their duty, and found the Journal correctly written, and moved that the same be approved.

So ordered.

Mr. Pendegast, for the Judiciary Committee, verbally reported Senate Bill No. 510—An Act to add to the Penal Code certain sections, punish-

ing telegraph corporations for making discrimination in their charges—recommending that it be laid on the table.

So ordered.

Also, reported Assembly Bill No. 603—An Act to prevent discrimination against female teachers—and recommended its passage.

Rules suspended, the bill taken up, read third time, and on the passage of the bill the ayes and noes were demanded by the requisite number, and it passed, by the following vote:

**AYES**—Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven, Duffy, Eakin, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Hendricks, Hopkins, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Turner, and Tuttle—34.

**NOES**—Messrs. Dyer and Irwin—2.

Mr. Oulton moved to take up Assembly Substitute for Senate Bill No. 492, on which the ayes and noes were demanded by Messrs. Evans, Bartlett, and Finney, the vote resulting as follows:

**AYES**—Messrs. Bartlett, Crane, DeHaven, Finney, Garratt, Goodale, Irwin, Kent, Lindsey, Martin, McCoy, Neff, Oulton, Perkins, Roach, Turner, and Tuttle—18.

**NOES**—Messrs. Andross, Beck, Boggs, Duffy, Dyer, Eakin, Evans, Farley, Fraser, Hendricks, Hopkins, Keys, Laine, McCune, McKusick, O'Connor, Pendegast, and Spencer—18.

The President voted in the affirmative, and declared the motion carried.

Mr. Evans raised a point of order, that it required a suspension of the rules and a two thirds vote to take up the bill, as other bills had been reported and ordered on the General File prior to this, and, therefore, it was calling the bill up out of its order.

The President decided that as bills had not been filed in regular order, owing to the confusion of business during the day, there was no method of ascertaining which would have precedence if the business had gone on in regular order, and ruled the point of order not well taken.

Mr. Evans appealed from the decision of the Chair, stating that the minutes would show that quite a number of bills were ordered on the file prior to the one in question, and that under the rules they must come up in their order.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate," the ayes and noes were demanded by Messrs. Evans, Duffy, and Farley, and the Senate refused to sustain the ruling, by a vote as follows:

**AYES**—Messrs. Bartlett, Crane, DeHaven, Finney, Garratt, Goodale, Lindsey, Martin, McCoy, Oulton, Perkins, Spencer, Turner, and Tuttle—14.

**NOES**—Messrs. Andross, Beck, Boggs, Bush, Duffy, Dyer, Eakin, Evans, Farley, Fraser, Graves, Hendricks, Hopkins, Kent, Keys, Laine, McCune, McKusick, Neff, O'Connor, and Pendegast—21.

By Mr. McMurry:

Mr. PRESIDENT: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Bill No. 554—An Act to confer further powers upon the Board of Supervisors of Alameda County;

And have presented the same to the Governor for his approval, this day, at nine o'clock and forty-five minutes P. M.

McMURRY, Chairman.

The Select Committee reported as follows:

*Resolved*, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to remain at the Capitol three days after the adjournment, to take charge of and dispose of such furniture and other property belonging to the State as has been in the use of the Senate, and that he be allowed the usual per diem for that time, payable out of the appropriation for the contingent expenses of the Senate.

The adoption of the foregoing resolution is recommended.

O'CONNOR, for Committee.

Adopted.

*Resolved*, That the Senate hereby express their sense of the urbanity, promptness, and efficiency with which his Honor the Lieutenant Governor and the President pro tempore of the Senate have discharged their arduous duties as presiding officers of this body during this session.

*Resolved*, That as Senators, and as men, we shall ever bear with us a grateful recollection of our official and social intercourse with them.

Recommend its adoption.

McKUSICK, for Committee.

Unanimously adopted.

[Mr. Perkins in the chair.]

On motion of Mr. Roach, the rules were suspended, and Assembly Bill No. 776—An Act providing for a paid fire department in the City of San Francisco—was taken up, read third time, and passed.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 30th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 546—An Act to pay officers and clerks of the Senate and Assembly for the twentieth session.



Also, Senate Bill No. 87—An Act to provide for the erection and maintenance of a Branch State Prison near the Town of Folsom.

Also, Senate Bill No. 333—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—to add a new section, to be known as section twenty-eight hundred and thirty-two.

Also, Senate Bill No. 374—An Act relative to the publication of amendments to the Codes.

Also, Senate Bill No. 381—An Act to amend sections three thousand nine hundred and seventy seven and three thousand nine hundred and eighty-five of the Political Code.

Also, Senate Bill No. 531—An Act supplementary to an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, approved April twenty-fourth, eighteen hundred and sixty-two.

Also, Senate Bill No. 506—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

Also, Senate Bill No. 547—An Act to authorize the City and County of San Francisco to provide and maintain public waterworks for said city and county, and to condemn and purchase private property for that purpose.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 30th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 548—An Act to amend section six hundred and thirty-four of the Penal Code.

Also, Senate Bill No. 496—An Act to authorize the City of Oakland to obtain a supply of water.

Also, Senate Bill No. 446—An Act to incorporate the Town of Sutter Creek, in Amador County.

Also, Senate Bill No. 556—An Act to prevent hogs running at large on certain lands in this State.

Also, Senate Bill No. 555—An Act prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties.

Also, Senate Bill No. 557—An Act supplementary to an Act entitled an Act to amend the Political Code in relation to highways, approved March thirtieth, eighteen hundred and seventy-four.

Also, Senate Bill No. 543—An Act relative to the City Hall Commissioners of San Francisco.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 30th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 108—An Act to amend the Penal Code.

Also, Senate Bill No. 162—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Also, Senate Bill No. 549—An Act to regulate the fees of Justices of the Peace and Constables in the County of Sacramento.

Also, Senate Bill No. 316—An Act to amend certain sections and to repeal certain sections of the Political Code relating to the government of the State Normal School.

Also, Senate Bill No. 531—An Act to amend section five hundred and ninety-six of the Political Code.

Also, Senate Bill No. 435—An Act to provide for the payment of certain Controller's warrants.

Also, Senate Bill No. 52—An Act to amend section four hundred and nineteen, and to add certain new sections to the Civil Code.

Also, Senate Bill No. 545—An Act to amend section five hundred and twenty-nine, Title VII, of the Code of Civil Procedure of California.

Also, Senate Bill No. 499—An Act to amend section six hundred and fifty six of the Political Code.

Also, Senate Bill No. 552—An Act to repeal an Act supplementary to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-eighth, eighteen hundred and seventy-four.

Also, Senate Bill No. 426—An Act relating to the funds of Swamp Land District Number Eighteen.

Also, Senate Bill No. 393—An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining.

Also, Senate Bill No. 457—An Act to amend an Act entitled an Act to amend sections three hundred and six and three hundred and seven of the Penal Code, approved March tenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 328—An Act in relation to the formation of a new swamp land district.

Also, Senate Bill No. 464—An Act to authorize the Board of Supervisors of Solano County to levy a road tax.

Also, Senate Bill No. 537—An Act granting leave of absence to the County Surveyor of Butte County.

Also, Senate Bill No. 493—An Act to regulate official salaries in the County of Solano.

Also, Senate Bill No. 526—An Act to authorize the Board of Supervisors of San Joaquin to audit and allow a certain claim.

Also, Senate Bill No. 422—An Act to organize the Board of Supervisors and define their duties, in the County of El Dorado.

Also, Senate Bill No. 453—An Act to amend section three thousand two hundred and ninety-two of the Political Code.

Also, Senate Bill No. 544—An Act to amend section five hundred and thirty-nine, Title Seven, of the Code of Civil Procedure of California.

Also, Senate Bill No. 483—An Act to regulate fees of office and salaries of certain officers in the County of Colusa, and to repeal all Acts now in force in relation thereto.

NEWTON BOOTH,  
Governor.

The rules were suspended to take up Senate Bill No. 313—An Act to improve the navigation of the Sacramento and San Joaquin Rivers.

Rules further suspended, and read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Duffy, Fraser, and Bush, and the Senate refused to pass the bill, by a vote as follows:

AYES—Messrs. Andross, Beck, DeHaven, Duffy, Evans, Hopkins, Irwin, Kent, Keys, Martin, Neff, O'Connor, Oulton, Roach, Spencer, and Tuttle—16.

NOES—Messrs. Bartlett, Boggs, Bush, Crane, Dyer, Eakin, Farley, Fraser, Garratt, Gibbons, Graves, Hendricks, Laine, Lindsey, McCoy, McCune, McKusick, Perkins, and Turner—19.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 30th, 1874. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 63—to correct an error in Assembly Bill No. 507.

JOHN WEBBER,  
Assistant Clerk.

Assembly Concurrent Resolution No. 63, above reported, concurred in.

Mr. Pendegast, for the Judiciary Committee, verbally reported Assembly Bill No. 384, and Senate Bill No. 450, without recommendation.

The Select Committee reported as follows:

*Resolved*, That a committee of three be appointed by the President, to wait upon his Excellency the Governor, and ascertain if he has any further communication to make to the Senate.

Recommend its adoption.

O'CONNOR, for Committee.

Adopted.

The Chair appointed Messrs. Evans, Hendricks, and Bush, as such committee.

Mr. Duffy moved that the Select Committee be instructed to report back a resolution to pay W. H. Mott for fifteen days' services, as that, with several other resolutions, was not properly before that committee. Carried.

Mr. Pendegast, for the Judiciary Committee, verbally reported Assembly Bill No. 733, and Senate Bills Nos. 350, 286, 271, 454, 302, and 372, recommending that the bills be indefinitely postponed, for the reason that the legislation sought by them had been accomplished in other bills.

Report adopted.

#### REPORT OF THE SELECT COMMITTEE.

Mr. PRESIDENT: Your special committee, to whom all bills and resolutions were to be referred this evening, beg leave to report back the resolution allowing W. H. Mott for fifteen days' service rendered the

Committee on Engrossed Bills, and respectfully recommend that it be adopted.

O'CONNOR,  
LAINE,  
McKUSICK.

*Resolved*, That William H. Mott be allowed fifteen days' compensation for services rendered the Committee on Engrossed Bills between the first Monday in December, eighteen hundred and seventy-three, and the first day of February, eighteen hundred and seventy-four, at the same per diem as allowed Copying Clerks of the Senate, payable out of the appropriation for the contingent expenses of the Senate.

On the adoption of the resolution, the ayes and noes were demanded by the requisite number, and it was adopted, by a vote as follows:

AYES—Messrs Andross, Beck, Boggs, Bush, Crane, Duffy, Eakin, Evans, Farley, Fraser, Graves, Kent, Keys, Lindsey, Martin, McCoy, Neff, Pendegast, and Tuttle—19.

NOES—Messrs. Bartlett, DeHaven, Garratt, Laine, McCune, McKusick, McMurry, O'Connor, Oulton, and Spencer—10.

On motion of Mr. Duffy, Assembly Bill No. 796—An Act to elect certain officers in the City and County of Sacramento, and fix their compensation—was taken up, rules suspended, amended, read third time, and passed.

#### REPORT BY THE SELECT COMMITTEE.

*Resolved*, That the Controllor of State is hereby authorized and directed to draw his warrant on the State Treasurer, and said Treasurer is hereby authorized to pay the same out of the Contingent Fund of the Senate, in favor of R. A. Redman, Clerk of the Committee on Corporations of the Senate, for services rendered said committee, which warrant shall be for the sum of one hundred dollars.

Adoption of foregoing resolution recommended.

O'CONNOR, for Committee.

Adopted.

#### REPORT.

Mr. Garratt submitted a report, as follows:

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 331—An Act to authorize the City and County of San Francisco to provide and maintain public waterworks for said city and county, and to condemn and purchase private property for that purpose;

Also, Assembly Bill No. 585—An Act to cure and remove certain defects in actions heretofore commenced under Order One Thousand and Sixty-six of the Board of Supervisors of the City and County of San Francisco;

Also, Assembly Bill No. 685—An Act to ratify and confirm certain orders and resolutions and acts of the Board of Supervisors of the City and County of San Francisco;



Also, Senate Bill No. 461—An Act to provide additional funds for erecting a City Hall in the City and County of San Francisco;

Also, Senate Bill No. 528—An Act to authorize the opening of streets in the City and County of San Francisco, and the taking of private lands therefor;

Also, Senate Bill No. 80—An Act to provide for an Inspector of Steam Boilers and Steam Tanks in the City and County of San Francisco;

Also, Senate Bill No. 532—An Act to modify and change the grades of streets in and adopt a proper system of sewerage for the City and County of San Francisco, and to appoint a Board of Engineers to examine and report upon the same;

Have had the same under consideration, report the same back, and recommend that they do not pass.

GARRATT, Chairman.

Mr. Oulton moved to take up Senate Bill No. 80—An Act to provide for an Inspector of Steam Boilers and Steam Tanks in the City and County of San Francisco.

So ordered, and the bill was ordered engrossed.

#### REPORT OF SELECT COMMITTEE.

Your special committee report back the following resolution, and recommend its adoption:

*Resolved*, That Albert F. Thompson be and is hereby allowed the sum of twenty-four dollars, for writing the Journals of Senate three days before elected, to be paid out of the appropriation for the contingent expenses of the Senate.

O'CONNOR,  
McKUSICK,  
LAINE.

Adopted.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 30th, 1874. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 436—An Act to legalize certain proceedings in Reclamation District Number One Hundred and Twenty-four.

Also, Senate Bill No. 307—An Act to amend the Political Code in reference to the boundaries of Alameda County.

Also, Senate Bill No. 491—An Act to amend and revise an Act entitled an Act to incorporate the Town of Redwood City, approved March twenty-seventh, eighteen hundred and sixty-eight, and the several Acts amendatory thereof and supplementary thereto, and for other purposes.

NEWTON BOOTH,  
Governor.

## REPORT FROM THE SELECT COMMITTEE.

*Resolved*, That the thanks of the Senate be and they are hereby tendered to the Secretary of the Senate, the Minute Clerk, the Assistant Secretaries, and to all the clerks and attachés of the Senate, for their promptness, faithfulness, and uniform politeness during the entire session.

LAINE,  
McKUSICK,  
O'CONNOR.

Adopted.

The special committee appointed to wait upon his Excellency the Governor, reported that they had performed the duty assigned them, and that the Governor informed them he had no further communications to make to the Senate.

[The President in the chair.]

The Chief Clerk of the Assembly announced that he had been deputed by that body to inform the Senate that the Assembly had completed their business, and were ready to adjourn *sine die*.

The Rev. J. H. C. Bonte, Chaplain of the Senate, offered a prayer.

REMARKS OF LIEUTENANT GOVERNOR PACHECO, PRESIDING OFFICER OF THE  
SENATE.

SENATORS: It will soon be the hour when, according to the Constitution, this Senate must adjourn *sine die*. But before we part, let me briefly, but with all my heart, thank you one and all for the uniform kindness which you have shown towards me as the presiding officer of the Senate. It is with feelings of gratitude that I recall the fact that your courtesy and forbearance towards me has never failed; and I assure you to this forbearance and kindly feeling do I owe it that my duties have been so agreeable. I trust that any failure on my part to do justice to any of you, will be regarded as having proceeded from an incorrect judgment, and I can say, with all sincerity, that I have endeavored my utmost to discharge my duties to the best of my ability. Trusting that the laws you have enacted will be approved as having been wise and just, and wishing you all a safe return to your several homes, with these brief words I now bid you farewell.

At twelve o'clock, midnight, the President of the Senate announced that the hour had arrived fixed by the Constitution for final adjournment, and declared the Senate adjourned *sine die*.

R. PACHECO,  
President of the Senate.



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ABBREVIATIONS.—S. B., Senate Bill; A. B., Assembly Bill; S. C. R., Senate Concurrent Resolution; A. C. R., Assembly Concurrent Resolution.

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BOGGS, JOHN. Appeared and took his seat, 6.

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Nominated J. B. Chinn for Assistant Secretary, 28.

Nominated G. T. Beveridge for Postmaster, 39.

Nominated James Saultry for Night Watchman, 45.

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**BUSH, C. W.** Appeared, qualified, and took his seat, 6.

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Nominated — Campbell for Sergeant-at-Arms, 29.

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Appointed on Committee on Federal Relations, 166.

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Nominated George Ellery for Page, 39.

Appointed on Committee on Judiciary, 166.

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## DUFFY, JAMES A. Appeared and took his seat, 6.

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Nominated J. B. McQuillan, Enrolling Clerk, 34.

Nominated E. A. Roberts, Copying Clerk, 36.

Nominated G. R. Hansbrow, Paper Folder, 42.

Appointed on committee on mileage and per diem of organization officers, 47.

Amendment to newspaper resolution, 155.

Resolution relative to appointing Page for President of Senate, 165.

Appointed on Committee on Commerce and Navigation, 166.

Appointed on Committee on Roads and Highways, 166.

Appointed on Committee on Enrolled Bills, 166.

Appointed on Committee on Swamp and Overflowed Lands, 166.

Act relative to supplying Sacramento with water, 182.

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Resolution relative to Sergeant-at-Arms receipting for warrants for per diem, etc., of Senators, 183.

Added to Committee on Public Buildings and Grounds, 183.

Granted leave of absence, 275.

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- DYER, B.** Appeared and took his seat, 6.  
 Nominated George S. Evans for President pro tem., 6.  
 Nominated I. H. Reed for Assistant Secretary, 28.  
 Appointed on Committee on Education, 166.  
 Appointed on Committee on Corporations, 166.  
 Appointed on Committee on Public Morals, 166.  
 Act concerning County Judges executing certain trusts, 182.  
 Act providing for taking State census in eighteen hundred and seventy-five, 302.  
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**DYER, B.** Committee of Conference on A. B. 88: 652.  
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**EAKIN, W. A.** Appeared, qualified, and took his seat, 6.  
Nominated J. Nunan for Porter, 37.  
Appointed on Committee on Federal Relations, 166.  
Appointed on Committee on Mines and Mining Interests, 166.  
Appointed on Committee on Roads and Highways, 166.  
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Added to Committee on Hospitals, 205.  
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An Act prescribing terms of Supervisors of Tuolumne County, 413.  
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**EDGERTON, HENRY.** Appeared, qualified, and took his seat, 6.  
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Appointed on same, 157.  
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Appointed on Committee on State Library, 166.  
Appointed on Committee on Military Affairs, 166.  
Appointed on Committee on Retrenchment, 166.  
Appointed on Committee on State Prison, 166.  
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Moved reconsideration of resolution relative to San Francisco City Hall Commission, 169.  
An Act authorizing the State Treasurer to dispose of United States five-twenty bonds, etc., 174.  
An Act to pay the claim of W. L. McEwen and C. F. Smith, 205.  
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An Act to repeal an Act releasing claim to certain lands, 273.

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An Act to provide for a Branch Prison at Folsom, 278.

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An Act for the examination of claims of G. D. Smith, 288.

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An Act authorizing the State Treasurer to prosecute certain actions, 354.

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Resolution relative to Clerk of State Prison Committee, 365.

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Appointed on committee on contract for translating laws, 366.

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An Act to repeal section one of an Act to protect agriculture, etc., 370.

Petition from Ladies' Benevolent Society of Sacramento, 379.

An Act to amend section thirty-four hundred and ninety-five of the Political Code, 381.

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## FINNEY, S. J. Appeared and took his seat, 6.

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GIBBONS, EDWARD. Appeared, qualified, and took his seat, 6.

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Nominated C. Moreno for Porter, 37.

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Nominated H. T. Fogg for Post Office Page, 40.

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Number .....	TITLE.	Introduced .....	Passed Senate..	Passed Assembly.....
166	An Act to provide for the establishment and government of a State Reform School. Irwin.....	349		
167	An Act in relation to the care of orphan and abandoned children. McKusick.....	349	414	580
168	An Act to amend the Political Code of the State of California. Tuttle.....	349		
169	An Act authorizing and requiring the State Treasurer to commence civil actions, on behalf of the State of California, against certain persons therein named. Edgerton.....	354		
170	An Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California. Keys.....	354	366	420
171	An Act to fix the salaries and compensation of certain officers in Yuba County. Crane.....	354	388	453
172	An Act to add a new section to the Penal Code. Neff....	354	414	
173	An Act to incorporate the City of Eureka. DeHaven....	354	394	421
174	An Act reorganizing the Board of Supervisors of Napa County, and for other purposes. Pendegast.....	354	408	492
175	An Act to amend section twelve hundred and seventy-five of the Civil Code. Bartlett.....	358	358	359
176	An Act to amend certain sections and repeal certain sections of the Political Code. Fraser.....	358		
177	An Act to amend section ten, of Article XI, of the Constitution. McKusick.....	364		
178	An Act to provide for the proper distribution in the several County Treasuries of funds arising from the sale of swamp lands. Boggs.....	364	519	741
179	An Act for the relief of Richard Palmer. Pendegast.....	364		
180	Proposed amendment to Article IX of the Constitution. Laine .....	364		
181	An Act for the relief of Adolph E. Servatius. Roach.....	364	477	658
182	An Act to provide for the building of a school house in Oakdale School District, in the County of Stanislaus, State of California. Keys.....	364	382	
183	An Act to remove from Henry Meiggs certain legal disabilities. Duffy .....	364	728	784
	After veto.....		838	841
184	An Act to change the present boundaries of the City of Sacramento. Duffy.....	364	420	492
185	An Act to prevent confusion and uncertainty in land titles, and to prevent fraud and oppression. Edgerton.....	370		

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assem- bly.....
186	An Act to quiet title to certain lands in Napa and Solano Counties. McCune.....	370	407	537
187	An Act to authorize C. H. Reynolds to sue the State of California. Garratt.....	370	448	
188	An Act to amend an Act entitled an Act to authorize certain persons to improve a certain portion of King's River, and to erect booms thereon. Lindsey.....	370		
189	An Act to establish the office and define the duties of Chaplain for the State Prison. Pendegast.....	370		
190	An Act to provide for the establishment of probationary asylums for the insane, or those supposed to be insane. Farley.....	370		
191	An Act to repeal section one of an Act supplementary to and amendatory of an Act to protect agriculture, etc., approved April first, eighteen hundred and seventy-two. Edgerton.....	370	420	492
192	An Act to provide for the construction and maintenance of public roads in the County of Tulare. Lindsey.....	376	456	535
193	An Act making appropriations for the payment of certain claims in favor of J. A. Breuner. Garratt.....	376	450	580
194	An Act to pay certain claims in favor of Patrick Kearns. Garratt.....	376	469	715
195	An Act to amend section three thousand three hundred and eighty-five of the Political Code. McCune.....	376		
196	An Act to pay the claim of Newton Benedict. McMurry..	376	408	454
197	An Act relating to the officers and government of San Mateo County. Finney.....	381	434	
198	An Act to amend section three thousand four hundred and ninety-five of the Political Code. Edgerton.....	381	519	
199	An Act authorizing and requiring the Surveyor General to cancel and annul applications for portions of the sixteenth and thirty-sixth sections of the public lands of this State. Edgerton.....	381		
200	An Act for the relief of D. H. Norris. Edgerton.....	381		
201	An Act to amend section eight hundred and thirty-two, etc., of the Code of Civil Procedure. Edgerton.....	381		
202	An Act to amend section one, Article VII, of the State Constitution. Edgerton.....	381		
203	An Act to create the County of Manache, to establish its boundaries, etc. Lindsey.....	381		
204	An Act for the protection of preëmption and homestead claimants. McKusick.....	381	447	

## SENATE BILLS.

Number .....	TITLE.	Introduced.....	Passed Senate..	Passed Assembly.....
205	An Act to authorize a party therein named to establish and maintain a ferry. Goodale.....	382		
206	An Act to amend an Act for funding the indebtedness of reclamation and levee districts. Lindsey.....	382		
207	An Act to amend section four hundred and eighty-nine, etc., of the Civil Code. Fraser .....	382		
208	An Act to amend sections ten hundred and forty-one and eleven hundred and nine of the Political Code. Edger-ton.....	387		
209	An Act to fix the fees of the County Surveyor of Napa County. Pendegast.....	387	401	
210	An Act to empower the Board of Supervisors of Sacramento County to pay the claim of John Domingos. Duffy .....	387	443	
211	An Act for the protection of settlers on public lands claimed by the State. Turner.....	387	447	537
212	An Act for the relief of Jasper W. Marshall. Fraser.....	387	447	715
213	An Act to amend the Political Code. Laine.....	387		
214	An Act to regulate the building and maintaining of depots and stations, and the stopping of trains thereat, upon the several railroads in the State of California. Lindsey.....	392	Sub.	866
215	An Act fixing the compensation of certain officers of Humboldt County. DeHaven.....	393	420	453
216	An Act in relation to the compensation of the phonographic reporter in the Second and Tenth District Courts. Perkins.....	393		
217	An Act to authorize the Treasurer of Contra Costa County to deposit the funds of the county with the Bank of Martinez. Goodale.....	393		
218	An Act to repeal an Act entitled an Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto, approved February first, eighteen hundred and seventy-two. Farley.....	393	478	698
219	An Act to indemnify bona fide settlers on the Yosemite grant. Keys.....	400	542	637
220	An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers, in the County of Stanislaus. Keys....	400	470	534
221	An Act to provide funds for the Town of San Luis Obispo. Graves.....	400	479	571



## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly.....
222	An Act to amend an Act entitled an Act to provide for the manner of auditing claims against the County of Humboldt, and to provide for the reduction of taxation therein and expenses thereof, approved April first, eighteen hundred and seventy. DeHaven.....	400	445	492
223	An Act to protect fish in the Counties of Plumas and Sierra. Turner.....	400	408	492
224	An Act to amend section six hundred and thirty-two of the Penal Code. Turner.....	400	403	454
225	An Act to amend the Code of Civil Procedure of the State of California. Pendegast.....	400	511	698
226	An Act supplementary to an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two. Tuttle.....	403	403	
227	An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight. DeHaven.....	406	479	571
228	An Act to add five additional Notaries Public in Stanislaus County. Keys.....	406	415	454
229	An Act authorizing and empowering the Auditor of El Dorado County to allow certain claims against said county. Fraser.....	406	445	571
230	An Act to make women eligible to educational offices. Pendegast.....	407	460	
231	An Act to provide for the establishment of a public library in the City of Los Angeles. Bush.....	407	447	537
232	An Act to amend section thirty-nine hundred and twenty-two of the Political Code. Hendricks.....	407	491	537
233	An Act supplementary to an Act entitled an Act supplementary to an Act concerning public ferries and toll bridges. Irwin.....	407	415	715
234	An Act to authorize the repayment of moneys erroneously paid into the State Treasury by the Treasurer of Sonoma County. Tuttle.....	407		658
235	An Act to amend certain sections of the Political Code concerning the government of cities. Graves.....	407		
236	An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and add a new section, to be known as section four thousand and forty-seven. Lindsey.....	413	542	658
237	An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma, approved March twenty-third, eighteen hundred and seventy-two. Tuttle.....	413	502	698

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly.....
238	An Act to amend section fourteen hundred and ninety-three of the Code of Civil Procedure. Graves.....	413	745	
239	An Act to amend sections forty-two hundred and thirty-four, forty-two hundred and thirty-five, forty-two hundred and thirty-six, and forty-two hundred and thirty-eight of the Political Code. Laine.....	413	549	
240	An Act to legalize certain warrants drawn on the Treasury of Napa County, and to pay certain claims against said county. Pendegast.....	413	512	532
241	An Act to prescribe the term of Supervisors in the County of Tuolumne. Eakin.....	413	446	462
242	An Act to regulate the salaries and fix the compensation of certain officers in the County of Napa. Pendegast.	418	495	638
243	An Act to provide for the payment of the indebtedness of Swamp Land District Number Six, in Tulare County. Lindsey.....	418	448	
244	An Act to abolish the office of County Assessor in the County of Alameda, and to create Township Assessors therein. Gibbons.....	418	418	425
245	An Act for the relief of George W. Branch. Keys.....	418	434	652
246	An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March second, eighteen hundred and seventy-two. McCoy .....	418	445	491
247	An Act to amend section four thousand and seventy-three of the Political Code. Boggs.....	418	549	
248	An Act granting leave of absence to Abraham Powell, Supervisor of the First Supervisor District of the County of Solano. McCune.....	418	445	
249	An Act to amend section nine hundred and seventy-seven of the Code of Civil Procedure. Bush.....	418	480	
250	An Act to protect the County Treasuries of certain counties. Irwin.....	418		
251	An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of the Agricultural Park in said city. Tuttle.....	424		
252	An Act to amend section three thousand six hundred and forty-four of the Political Code. Goodale.....	424		
253	An Act for the relief of Catherine Connelly. Duffy.....	424	646	749
254	An Act to amend sections three hundred and six and three hundred and seven of the Penal Code. O'Connor.....	424	501	580

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly .....
255	An Act to repeal an Act to provide for the maintenance of public roads and trails in the County of Sierra, approved February ninth, eighteen hundred and sixty-six. Turner .....	424	434	492
256	An Act making an appropriation for the payment of the unpaid salaries of the Code Commissioners, clerical labor, and other expenses incurred by the State, under the Act approved March twenty-second, eighteen hundred and seventy-two. Edgerton.....	426	633	715
257	An Act to provide a remedy in certain cases. Edgerton...	431		
258	An Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government. Bush.....	431	656	730
259	An Act to amend section three thousand nine hundred and seventy-six, and to repeal certain other sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two. Lindsey.....	431		
260	An Act to amend section two thousand nine hundred and fifty-five of the Political Code. Keys .....	431		
261	An Act to fix the compensation of certain officers in Merced County. Keys.....	432		
262	An Act to provide for the payment of attorney's fees. Keys .....	432	554	716
263	An Act for the relief of the Hibernia Greens. Roach.....	432		
264	An Act relating to mutual beneficial and relief associations. Tuttle.....	432	550	
265	An Act concerning roads and highways in the County of Santa Clara. Laine.....	432	471	571
266	An Act concerning the quarterly meetings of the Board of Supervisors of Nevada County. O'Connor.....	432	447	534
267	An Act to amend section four thousand three hundred and twenty-nine of the Political Code. Finney.....	434		
268	An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two. Laine.....	434	563	
269	An Act fixing the salaries of certain officers of San Luis Obispo County. Graves.....	437	481	754
270	An Act requiring Sheriffs to wear a badge of office. Neff.	437		
271	An Act regulating the sale of stock in mining corporations, and to prevent gambling therein. Duffy.....	437		
272	An Act to legalize and make valid the election of certain officers in San Diego County. McCoy.....	437		

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate..	Passed Assem- bly.....
273	An Act to amend section two of an Act entitled an Act to amend section one of an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars, due from Alpine County to Amador County, approved February twenty-ninth, eighteen hundred and sixty-eight, and to provide for the payment thereof, approved March twenty-fifth, eighteen hundred and seventy. Farley .....	437	499	537
274	An Act in relation to the revision of the laws. Tuttle....	437	566	730
275	An Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city. Fraser.....	437	480	759
276	An Act to provide for the construction of a railroad from Colfax, in the County of Placer, to Nevada City, in the County of Nevada, and to regulate fares and freights thereon. O'Connor.....	437	511	631
277	An Act to amend section four hundred and sixty-six of the Penal Code. Pendegast.....	437	437	537
278	An Act to amend the Political Code concerning the delinquency of taxes. Laine.....	437	511	
279	An Act to amend an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two. Boggs.....	440	477	534
280	An Act to amend the Civil Code. Bartlett.....	444	481	658
281	An Act providing for the determination of actions for the recovery of the possession of lands and tenements, for rents and profits growing out of the same, and for damages for the withholding thereof in certain cases. Pendegast .....	444	631	
282	An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twentieth, eighteen hundred and seventy-two. O'Connor...	444	471	571
283	An Act to authorize the Mountain View Cemetery Association to issue bonds. Gibbons.....	444	479	534
284	An Act to make available the public funds in the State Treasury not required to pay warrants. Irwin.....	444		
285	An Act to amend section one thousand three hundred and twenty-nine of the Penal Code. Neff.....	444	481	
286	An Act for the protection of stockholders in California. Gibbons .....	444		
287	An Act for the relief of J. C. Hamer. Laine.....	444	480	



## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate..	Passed Assem- bly .....
288	An Act to amend an Act entitled an Act to establish a Penal Code. Laine.....	444		
289	An Act to amend section twenty-two hundred and forty of the Political Code. Bush.....	444	481	658
290	An Act to amend section one hundred and ninety of the Penal Code. Perkins.....	455	501	582 778
291	An Act to amend section thirty-six hundred and seven, and to add a new section, to be known as section thirty-six hundred and eight, to the Political Code. Lindsey.	455		
292	An Act to amend sections one hundred and ninety and eleven hundred and fifty-seven of an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two. Lindsey.....	455		
293	An Act for the protection of quail in the Counties of San Mateo, Contra Costa, etc. Gibbons.....	455		
294	An Act to authorize the Board of Supervisors of Merced County to sell and convey the Court House block, and buildings thereon, in the Town of Snelling. Keys.....	455	479	535
295	An Act to amend section eight hundred and thirty-two, etc., of the Code of Civil Procedure. Martin.....	455		
296	An Act regulating the sale of mineral lands belonging to the State. McKusick.....	455	596	754
297	An Act to provide for the time of holding terms of the County Court and Probate Court in the County of Colusa. Boggs .....	455	455	492
298	An Act to prevent running sawdust into Brandy Creek, in Shasta County. McMurtry.....	455	481	
299	An Act to amend an Act entitled an Act to reincorporate the Town of San Luis Obispo. Graves.....	455	495	
300	An Act to amend section thirteen hundred and twenty-nine of the Penal Code. Neff.....	459		
301	An Act to divide the County of Solano, and to erect within the present limits of said county a new county, to be known as Vallejo County. McCune.....	459	653	759
302	An Act to amend the Political Code. Martin.....	459		
303	An Act to compel the collection of agricultural statistics. Hendricks.....	459	577	
304	An Act to amend the Political Code, concerning public schools. Laine.....	459		
305	An Act to acquire title to certain lands in the Governor's Mansion block. Edgerton.....	460		

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate..	Passed Assem- by.....
306	An Act for the relief of W. W. Brown, administrator of the estate of E. L. Brown, deceased. Duffy.....	467		
307	An Act to amend the Political Code, in reference to the boundaries of Alameda County. Gibbons.....	467	796	830
308	An Act to amend an Act to establish a Code of Civil Procedure. Lindsey.....	468	596	784
309	An Act to permit the voters of every township, incorporate city, or county, in this State, to vote on the question of granting licenses to sell intoxicating liquors. Pendegast .....	468	632	668
310	An Act to fix the fees of the County Surveyor of Sonoma County. Tuttle.....	468	468	535
311	An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes. Keys.....	468	527	
312	An Act to repeal the Act creating the offices of Public Administrator and Coroner of Stanislaus County, and provide for the performance of the duties of the same by the Superintendent of Common Schools. Keys....	468	633	698
313	An Act to improve the navigation of the Sacramento and San Joaquin Rivers. Rouch.....	468		
314	An Act to amend certain sections and to repeal certain sections of the Political Code. Turner.....	468	549	697
315	An Act to quiet title to certain salt marsh and tide lands in Contra Costa County. Goodale.....	468	614	731
316	An Act to amend certain sections and to repeal certain sections of the Political Code, relating to the government of the State Normal School. Laine.....	475	704	813
317	An Act amendatory of and supplemental to an Act to regulate fees of office and salaries of officers in Siskiyou County, approved March twelfth, eighteen hundred and seventy. Irwin.....	476	476	524
318	An Act to legalize and confirm certain notices of tax sale, and the tax sale made in pursuance thereof. Edgerton.	480	488	492
319	An Act to regulate contracts in the sale of mining stock. Duffy .....	486		
320	An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco. Bartlett.....	486	486	
321	An Act for the protection of game and fish. Gibbons.....	486		
322	An Act to exempt firemen in Nevada and Siskiyou Counties from the payment of poll taxes. Irwin.....	487	549	761

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly.....
323	An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, in Sonoma County. Tuttle.....	487	502	638
324	An Act regulating the issuance of transfers of shares of stock. Hopkins.....	488		
325	An Act to fix the salary of the County Clerk of Trinity County. McMurry .....	493	493	524
326	An Act to provide for the indexing of certain records of Nevada County. O'Connor.....	493	506	571
327	An Act regulating township officers in Tuolumne County. Eakin.....	493	583	658
328	An Act in relation to the formation of a new swamp land district. Edgerton.....	493	818	842
329	An Act to establish a public road along the boundary line between the Counties of Yolo and Colusa. Boggs.....	493	493	524
330	An Act to amend section five hundred and thirty-six of the Political Code. Duffy.....	500		
331	An Act to authorize the City of San Francisco to provide and maintain public waterworks. Roach.....	500		
332	An Act to provide for the payment of the debt incurred in building a school house for the Oro Fino School District, in Siskiyou County. Irwin.....	500	500	571
333	An Act to amend an Act entitled an Act to establish a Political Code. Lindsey.....	500	649	841
334	An Act to authorize the Controller and Treasurer of State to transfer certain funds. McKusick.....	500	703	800
335	An Act to fix the compensation of the School Superintendent of the County of Stanislaus. Keys.....	500	519	699
336	An Act concerning the office of Treasurer of Sierra County. Turner .....	500	517	524
337	An Act relating to jury trials. Farley.....	500		
338	An Act to repeal an Act entitled an Act to accept the grant by the United States Government to the State of California of the Yosemite Valley and Big Tree Grove, and to organize the Board of Commissioners, etc. Dyer....	500		
339	An Act to provide for the appointment of an additional Notary Public for the County of Los Angeles. Bush..	500	519	
340	An Act concerning the fees of the Sheriff of the County of Los Angeles. Bush.....	507		
341	An Act to amend an Act concerning roads and highways in the County of El Dorado. Fraser.....	507	597	759

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate..	Passed Assembly.....
342	An Act concerning the selection and sale of University lands. Perkins.....	507	570	637
343	An Act to reorganize the Supervisorial districts of the County of Monterey. Beck.....	507	507	533
344	An Act to amend section one thousand two hundred and twenty-eight of the Penal Code. Finney.....	511		
345	An Act to amend section one thousand two hundred and thirty of the Penal Code. Finney .....	511	584	
346	An Act to provide for the erection of county buildings in the County of Alameda, and for the issuance of bonds therefor. Gibbons.....	511	704	731
347	An Act to regulate the management of hogs in certain counties of this State. Keys.....	516		
348	An Act to amend an Act entitled an Act to incorporate the Town of Colusa. Boggs.....	516	584	699
349	An Act to authorize the Controller to issue duplicate warrants. McCune.....	518	585	741
350	An Act to amend the Penal Code, relative to gaming. Tuttle.....	518		
351	An Act to amend the Code of Civil Procedure. Evans...	518		
352	An Act to authorize the State Controller to issue a duplicate warrant. Duffy.....	525	585	741
353	An Act to amend section four thousand and one of the Political Code. Keys.....	525	585	699
354	An Act to fix the compensation of the Assessor of San Diego County, and for other purposes. McCoy.....	526	526	661
355	An Act to enable Boards of Supervisors to grant franchises. Gibbons.....	526		
356	An Act to grant the right to construct a wagon road in San Diego County. McCoy.....	526	583	658
357	An Act supplemental to an Act to reorganize the Board of Supervisors of Napa County, and for other purposes, approved February twenty-fifth, eighteen hundred and seventy-four. Pendegast.....	526		
358	An Act to provide for the purchase of certain portraits. Pendegast.....	526	597	716
359	An Act to add another section to the Penal Code. McCune.....	526	614	699
360	An Act to amend the Code of Civil Procedure. Finney..	526		
361	An Act to authorize the settlement of the claim of George K. Porter. Roach.....	528		



## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.....	Passed Assembly.....
362	An Act to amend section three hundred and thirty-nine of the Code of Civil Procedure. Evans.....	335	631	
363	An Act concerning submarine sites for lighthouses and other aids to navigation on the coast of this State. Committee on Federal Relations.....	540	540	741
364	An Act to provide for the election of a District Assessor and a District Collector for Ukiah School District, in Mendocino County. Pendegast.....	540	583	658
365	An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals in the County of Monterey. Beck.....	540	540	699
366	An Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara. Graves.....	540	583	658
367	An Act to amend the Code of Civil Procedure. Graves..	540		
368	An Act to create a railroad police and defining its duties. Evans.....	540		
369	An Act supplementary to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight. Tuttle.....	540	557	638
370	An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the City of Los Angeles, to build and establish a County Almshouse and Hospital thereon, and to issue bonds for the payment thereof. Rush.....	540	583	690
371	An Act to add a new section to the Code of Civil Procedure. Turner.....	540		
372	An Act to provide for the assessment of railroad property within the State of California. O'Connor.....	540		
373	An Act to exempt from execution water rights used in irrigating homesteads. Lindsey.....	548		
374	An Act relative to publishing the statutes of eighteen hundred and seventy-three eighteen hundred and seventy-four. McKusick.....	548	735	842
375	An Act for the relief of David C. Norcross, Sheriff of San Luis Obispo County. Graves.....	548	586	731
376	An Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara. Graves.....	548	586	652
377	An Act to enforce the collection of poll taxes in the County of Calaveras. Hopkins.....	548	569	699

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate..	Passed Assembly .....
378	An Act to amend an Act to establish a State Printing Office and to create the office of Superintendent of Public Printing, approved March twenty-sixth, eighteen hundred and seventy-two. Farley.....	548	717	
379	An Act to amend section three hundred and ninety-seven of the Penal Code. Fraser.....	548	646	741
380	An Act to aid in the improvement of lands of the State Agricultural Society. McCune.....	561	660	754
381	An Act to amend sections thirty-nine hundred and seventy-seven and thirty-nine hundred and eighty-five of the Political Code. O'Connor.....	562	647	813
382	An Act to amend section thirty-three hundred and eighty-one of the Political Code. Fraser.....	562		
383	An Act to reorganize the Board of Supervisors of Lake County. Pendegast.....	562	562	
384	An Act authorizing the Board of Trustees of Santa Barbara School District, of the County of Santa Barbara, to issue bonds of said district for school purposes. Graves .....	562	586	731
385	An Act amendatory of and supplemental to an Act entitled an Act to provide for the better maintenance of the indigent sick of Siskiyou County, approved April twenty-second, eighteen hundred and sixty-one. Irwin.	562	562	638
386	An Act for the relief of R. Pacheco. Graves.....	562		
387	An Act concerning the execution of final process in certain cases. Farley.....	567	576	658
388	An Act to create a swamp land district, to be known as Lake District Number One, of Sacramento County. Duffy .....	572	781	843
389	An Act to prevent the adulteration of food, drinks, and drugs. Bush.....	572		
390	An Act to abolish attorneys' fees and other charges in savings banks. Neff.....	572	717	
391	An Act to prohibit the sale of intoxicating liquors within one and a half miles of the California College, in Solano County. McCune.....	572		
392	An Act to amend section thirteen hundred and four of the Code of Civil Procedure. Pendegast .....	581	887	
393	An Act for the better protection of the stockholders in corporations formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining. O'Connor.....	581	777	842
394	An Act to provide for the payment of certain indebtedness of Tuolumne County. Eakin.....	581	581	754

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate..	Passed Assem- bly.....
395	An Act to amend section three hundred and seventy of the Political Code. Judiciary Committee.....	589		
396	An Act to amend section eight hundred and sixty-nine of the Penal Code. Keys.....	595		
397	An Act regulating the fees of Justices of the Peace in the several counties of this State. Fraser.....	595		
398	An Act to add a section to the Political Code, providing official custody of bonds of County Clerks. Hendricks.	595	681	784
399	An Act to ratify and confirm certain proceedings of the Board of Supervisors of the City and County of San Francisco. Roach.....	595		
400	An Act to authorize and empower the County Judge of El Dorado County to appoint Justices of the Peace. Fraser.....	595		
401	An Act recommending to the electors of the State to vote for or against a Convention to revise the Constitution of the State. Pendegast.....	595	606	784
402	An Act to reincorporate the City of San Diego. McCoy..	595	644	731
403	An Act concerning the records and papers of the Clerk's office of the County of Sacramento. Edgerton.....	595		
404	An Act legalizing and confirming the boundaries of the school districts in the City of San Diego. McCoy.....	595	616	638
405	An Act to enforce the educational rights of children. Finney.....	604	683	798
406	An Act authorizing W. W. Brown, administrator, to sue the State of California. Duffy.....	604		
407	An Act for the protection of buoys and beacons. Gibbons.	604	665	754
408	An Act concerning indigent sick and insane persons. Hendricks.....	604		
409	An Act supplemental to and amendatory of an Act entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant, approved February seventeenth, eighteen hundred and seventy-four. Eakin.....	604	604	741
410	An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of county officers, in the County of Stanislaus, approved March fourteenth, eighteen hundred and seventy-four. Keys.....	604	605	655
411	An Act for the repeal of the special road law of Calaveras County. Dyer.....	605	605	637
412	An Act to reimburse the several counties of this State for moneys paid for copies of the Codes, and to provide for a more complete distribution thereof. McKusick.....	605	704	

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate..	Passed Assem- bly.....
413	An Act for the relief of M. B. Pond. Pendegast.....	605	605	
414	An Act legalizing the State tax and assessments in the several counties, in eighteen hundred and seventy-two and eighteen hundred and seventy-three. Edgerton....	605	705	800
415	An Act providing for the ascertainment and settlement of the claim, if any he has, of John Domingos, for services performed on and material furnished in the construction, improvement, and repair of the Sacramento Drainage Canal. Duffy.....	613	613	731
416	An Act in relation to the cabinet of minerals belonging to the State, and other purposes. Edgerton.....	613		
417	An Act to abolish the office of Architect of the State Capitol building. Farley.....	614	641	742
418	An Act in relation to the revenue of the County of Amador. Farley.....	627	627	658
419	An Act to repeal certain Acts in relation to roads in Amador County; also, an Act relative to the treatment and care of the indigent sick of said county. Farley.....	627	627	658
420	An Act in relation to the Board of Supervisors of Amador County. Farley.....	627	627	658
420½	An Act relative to the treatment and care of the indigent sick of Amador County. Farley.....	627	627	
421	An Act to dispense with copies of the Great Register in certain elections in Napa County. Pendegast.....	627	627	699
422	An Act to organize the Board of Supervisors, and to define their duties and powers, in the County of El Dorado. Fraser .....	627	704	873
423	An Act authorizing and empowering the Board of Supervisors of the City and County of San Francisco to provide for watering the streets and roads of said city and county. Oulton.....	627		
423½	An Act concerning the surveys of private land claims in California. Graves.....	627		
424	An Act to repeal section three thousand seven hundred and four of the Political Code. McKusick.....	632	648	840
425	An Act to release the claim of the State of California to certain lands. McKusick.....	632	425	
426	An Act relating to the funds of Swamp Land District Number Eighteen. Lindsey .....	632	735	840
427	An Act authorizing the transcribing of certain records in the County of Sacramento. Duffy.....	632	632	687



## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly .....
428	An Act to regulate the fees of certain officers in the County of Mendocino. Pendegast.....	632	648	699
429	An Act to prohibit the sale of intoxicating drinks to certain persons, and for other purposes. Finney.....	632		
430	An Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in the County of Napa, approved March thirty-first, eighteen hundred and sixty-six. Pendegast.....	639	639	699
431	An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Tulare. Lindsey .....	639	639	
432	An Act to provide for the payment of salaries of the members of the State Board of Examiners for their official term ending December fourth, eighteen hundred and seventy-one. Duffy .....	639		
433	An Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco. Oulton.....	640	673	688
434	An Act to amend sections six hundred and sixteen and six hundred and seventeen of the Political Code. Graves...	641	684	778
435	An Act to provide for the payment of certain Controller's warrants. Boggs.....	641	758	841
436	An Act to legalize certain proceedings in Reclamation District Number One Hundred and Twenty-four. Edgerton.....	641	702	830
437	An Act to amend the Penal Code. Edgerton.....	641		
438	An Act to amend the Political Code. Edgerton.....	641		
439	An Act to amend the Civil Code. Edgerton.....	641		
440	An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Merced. Keys.....	645	660	731
441	An Act to authorize the Boards of Supervisors of the counties named therein to transfer certain Funds, and to empower the Boards of Supervisors of the said counties to levy a tax, when necessary, to provide the means to return said Funds when required. Keys.....	645	679	800
442	An Act to authorize and empower the Board of Supervisors of the County of Trinity to fix the rate of tolls on certain wagon roads. McMurry.....	645	645	731
443	An Act amending sections three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and ninety-three, and three thousand seven hundred and twenty-eight of the Political Code. Boggs .....	646		

## SENATE BILLS.

Number .....	TITLE.	Introduced.....	Passed Senate..	Passed Assembly.....
444	An Act to amend section two thousand two hundred and twenty of the Political Code. Irwin.....	649		
445	An Act to establish and define the powers and duties of the Board of Education of Nevada School District, in the County of Nevada, the said district including Nevada City. O'Connor .....	649	649	731
446	An Act to incorporate the Town of Sutter Creek, in Amador County. Farley.....	649	820	830
447	An Act amendatory of and supplementary to an Act entitled an Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four. Keys.	649	660	731
448	An Act to amend section six hundred and sixty of the Civil Code. Garratt.....	654	704	
449	An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State. Committee on Corporations.....	657		
450	An Act to amend the Penal Code, concerning the examination of persons accused of crime before committing magistrates. Laine.....	660	705	
451	An Act to amend section one thousand eight hundred and seventy-nine of the Code of Civil Procedure. Keys...	660		
452	An Act to provide for the collection of the unpaid taxes due for the fiscal years eighteen hundred and seventy-two-three and eighteen hundred and seventy-three-four. Edgerton. ....	659	705	800
453	An Act to amend section three thousand two hundred and ninety-two of the Political Code. Bartlett.....	665	703	840
454	An Act to amend section three hundred and thirty of the Penal Code. Perkins .....	665		
455	An Act to create the County of Orange. Martin.....	665		
456	An Act to legalize certain conveyances, leases, and other instruments in writing affecting certain real estate in Colusa County. Boggs.....	665	705	
457	An Act to amend an Act entitled an Act to amend sections three hundred and six and three hundred and seven of the Penal Code, approved March tenth, eighteen hundred and seventy-four. O'Connor.....	665	821	841
458	Proposed amendments to the Constitution of the State of California. Judiciary Committee.....	665		
459	An Act to amend section five hundred and fourteen of the Civil Code. McMurry .....	678	678	

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly .....
460	An Act to continue and complete the investigation into the alleged frauds in the various land departments of the State of California. Finney.....	678		
461	An Act to provide additional funds for erecting a City Hall in San Francisco. Rouch.....	678		
462	An Act concerning the management of State Prisons. Duffy.....	678		
463	An Act to fix the compensation of District Attorney and Assessor of Solano County. McCune.....	678	695	
464	An Act to authorize the Board of Supervisors of Solano County to levy a road tax. McCune.....	678	708	841
465	An Act supplemental to and amendatory of an Act entitled an Act providing for the disposition of certain property, approved April twenty-first, eighteen hundred and fifty-one. Goodale.....	678		
466	An Act to amend the special school law of the City of Los Angeles. Bush.....	678	693	731
467	An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight. Tuttle.....	678	718	760
468	An Act to protect agriculture and prevent the trespassing of animals upon private property in certain counties. Pendegast.....	678	678	759
469	An Act to extend the time for selling property for the delinquent taxes of eighteen hundred and seventy-three seventy-four, in the County of Alpine. Farley...	678	678	
470	An Act to amend an Act to incorporate the City of Sacramento. Duffy.....	679		
471	An Act relating to officers and fees of office in San Diego and San Bernardino Counties. McCoy.....	682	693	731
472	An Act in relation to taxation of solvent debts other than those secured by mortgage or other liens. Perkins.....	682	726	
473	An Act to fix the salary of the County Recorder of the County of Placer. Neff.....	689	689	
474	An Act to amend section twelve hundred and sixty-one of the Civil Code. Bush.....	689		
475	An Act authorizing the State Board of Examiners to allow certain claims against the State. Beck.....	689		
476	An Act to provide a Contingent Fund for the Chief of Police of Sacramento. Edgerton.....	691		
477	An Act to protect parties in making contracts of fire insurance. Edgerton.....	691		

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate..	Passed Assem- bly .....
478	An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals in the County of Colusa, approved March twenty-eighth, eighteen hundred and seventy-two. Boggs.....	691	691	
479	An Act to amend an Act entitled an Act to declare navigable Arroyo de San Antonio, or Keys Creek, Marin County, approved March twenty-eighth, eighteen hundred and seventy. Goodale.....	693	707	731
480	An Act for the encouragement of agriculture and other industries. Evans.....	700	868	
481	An Act to amend section one hundred and sixty-seven of the Civil Code. Duffy.....	700	875	
482	An Act to amend the Political Code. Boggs.....	700		
483	An Act to regulate fees of office and salaries of certain officers in the County of Colusa, and to repeal all Acts now in force in relation thereto. Boggs.....	700	727	799
484	An Act relating to streets and roads in the City and County of Sacramento. Edgerton.....	700	700	
485	An Act to authorize the construction of a drawbridge across San Antonio Creek, Alameda County. Gibbons.	700	700	
486	An Act to confer additional powers on municipal authorities in incorporated towns and cities. Pendegast.....	700		
487	An Act restricting the herding of sheep and goats to certain pastures in El Dorado County. McKusick.....	700	700	
488	An Act to prevent fraudulent contests for lands, in the name of the State. McKusick.....	708		
489	An Act to authorize the Board of Supervisors of Contra Costa County to levy a special tax. Goodale.....	716	716	759
490	An Act for the relief of W. H. Bell and Wm. Corcoran. Roach.....	716		
491	An Act to amend and revise an Act entitled an Act to incorporate the Town of Redwood, approved March twenty-seventh, eighteen hundred and sixty-eight, and the several Acts amendatory of and supplementary thereto, and for other purposes. Finney.....	716	734	754
492	An Act to add two sections to the Political Code. Oulton.	716	777	821
493	An Act to regulate official salaries in the County of Solano. McCune.....	716	727	842
494	An Act to authorize Chico School District to issue bonds for building purposes. Perkins.....	719	719	754
495	An Act relating to the county officers of Santa Clara County, their fees and salaries. Laine.....	719	719	731



## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate .....	Passed Assembly .....
496	An Act to authorize the City of Oakland to obtain a supply of water. Gibbons.....	719	818	841
497	An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Shasta. McMurry.....	720	727	
498	An Act for the relief of Henry Meyers. Evans.....	732	739	754
499	An Act to amend section six hundred and fifty-six of the Political Code. Judiciary Committee.....	732	732	840
500	An Act directing the payment of the claim of George Durand against Siskiyou County. Irwin.....	732	732	
501	An Act to protect the people against quackery, and diffuse sound knowledge on medical subjects. Hendricks.....	732		
502	An Act to provide for the investigation and equitable adjustment of certain claims against Sonoma County. Laine.....	732	880	
503	An Act to authorize the Board of Supervisors of San Francisco to investigate and settle warrants. Roach...	732		
504	An Act to fix the fees and remuneration of Justices of the Peace in Los Angeles County. Bush.....	732		
505	An Act to preserve the Geological Survey. Hendricks...	744	744	
506	An Act to amend section two hundred and seventy-six of the Code of Civil Procedure. Keys.....	743	743	813
507	An Act to annex the territory comprised in the present County of Klamath, to the Counties of Humboldt and Siskiyou. Irwin.....	743	743	
508	An Act levying a tax for State purposes, for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof. Pendegast.....	743	767	799
509	An Act to add another section to the Code of Civil Procedure. Roach.....	744		
510	An Act to add a new section to the Penal Code. Duffy...	746	767	800
511	An Act to amend section fifteen hundred and five of the Code of Civil Procedure. Farley.....	756	787	798
512	An Act to provide for the construction of a railroad from the Bay of San Luis Obispo to Santa Maria. Finney...	756	767	
513	An Act to prevent shooting on private grounds, in the County of Sacramento. Duffy.....	756	756	
514	An Act to appropriate funds for the relief of the several orphan asylums of this State. Tuttle.....	756		
515	An Act to amend the Political Code. Pendegast.....	756	756	813

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly .....
516	An Act to authorize the Board of Supervisors of Los Angeles County to protect certain lands in El Monte Township against the overflows of San Gabriel River. Bush.....	756	756	
517	An Act to amend section two hundred and sixty-nine of the Code of Civil Procedure. Roach.....	757		
518	An Act for the protection of game and fish in certain counties of this State. Finney.....	758		
519	An Act relative to a special school tax in the Sutter Creek School District. Farley.....	761	761	779
520	An Act to amend an Act to allow certain persons to take possession of a road in Sacramento. Edgerton.....	765	765	
521	An Act to fix the salaries and compensation of certain officers of Butte County. Perkins .....	774	774	785
522	An Act supplemental to an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to regulate fees of office and salaries of officers in Siskiyou County, approved March twelfth, eighteen hundred and seventy, approved February twenty-seventh, eighteen hundred and seventy-four. Irwin.....	774	775	784
523	An Act to aid the establishment of a law library in the City of San José. Laine.....	775	775	785
524	An Act to add a section to the Political Code. Bush.....	775		
525	An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the damages awarded to certain owners of property in the matter of the opening of Second street (commonly known as the Second street Cut.) Garratt.....	775	775	814
526	An Act to authorize the Board of Supervisors of San Joaquin to audit and allow a certain claim. Evans....	775	790	843
527	An Act to amend section one thousand six hundred and eight of the Penal Code. Garratt.....	775		
528	An Act to authorize the opening of streets in the City and County of San Francisco. Garratt.....	775		
529	An Act to enable the City of Oakland to provide necessary school accommodations. Finney.....	780		
530	An Act to repeal an Act to authorize the City of San José to issue bonds. Laine.....	786	786	799
531	An Act supplementary to an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, approved April twenty-fourth, eighteen hundred and sixty-two. Gibbons.....	792	792	799

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate..	Passed Assembly.....
532	An Act concerning grades and sewerage in San Francisco. Garratt.....	792		
533	An Act to provide for the construction of bridges across the San Lorenzo and Pajaro Rivers. Beck.....	792	792	799
534	An Act to amend an Act to regulate the practice of pharmacy in San Francisco. Garratt.....	792		
535	An Act to authorize the Mayor and Common Council of the City of Los Angeles to pay certain warrants drawn on the Salary Fund. Bush.....	792	792	798
536	An Act for the relief of purchasers of the City Hall lots, in San Francisco. Roach.....	792	868	
537	An Act granting leave of absence to the County Surveyor of Butte County. Hendricks.....	792	792	841
538	An Act to amend an Act concerning estrays, approved April nineteenth, eighteen hundred and fifty-six. Keys.....	792		
539	An Act to amend an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two. Tuttle.....	792	792	799
540	An Act to amend section one thousand three hundred and sixty-five of the Code of Civil Procedure. Hopkins...	792		
541	An Act to amend an Act providing for the keeping of more complete records in Santa Clara County. Laine.....	810	811	822
542	An Act to amend an Act to regulate fees and salaries of county officers. Hopkins.....	811	811	843
543	An Act relative to the City Hall Commissioners of San Francisco. Roach.....	811	811	883
544	An Act to amend the Code of Civil Procedure. Edgerton..	811	811	841
545	An Act to amend the Code of Civil Procedure. Edgerton..	811	811	841
546	An Act to pay officers and clerks of the Senate and Assembly for the twentieth session. Irwin.....	826	826	830
547	An Act to authorize the City and County of San Francisco to provide and maintain public waterworks for said city and county, and to condemn and purchase private property for that purpose. Garratt.....	829	829	841
548	An Act to amend section six hundred and thirty-four of the Penal Code. Finney.....	834	834	895
549	An Act to regulate the fees of Justices of the Peace and Constables in the County of Sacramento. Edgerton...	834	834	841
550	An Act to pay the claim of John Breuner. Duffy.....	834		

## SENATE BILLS.

Number .....	TITLE.	Introduced .....	Passed Senate.	Passed Assembly.....
551	An Act to amend section five hundred and ninety-six of the Political Code. Tuttle.....	834	834	874
552	An Act to repeal an Act supplementary to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and seventy-four. Tuttle.....	839	839	873
553	An Act concerning the officers of the City and County of Sacramento. Edgerton.....	867	871	
554	An Act to confer further powers on the Board of Supervisors of Alameda County. Gibbons.....	869	869	895
555	An Act prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties. Irwin .....	877	877	883
556	An Act to prevent hogs running at large on certain lands in this State. McKusick.....	877	877	895
557	An Act supplementary to an Act entitled an Act to amend the Political Code in relation to highways, approved March thirtieth, eighteen hundred and seventy-four. Finney.....	877	877	884
558	An Act to amend section three hundred and thirty of the Penal Code. Laine.....	877		
559	An Act concerning fees and salaries in San Francisco. Bartlett.....	877	877	



## SENATE CONCURRENT RESOLUTIONS.

## SENATE CONCURRENT RESOLUTIONS.

Number .....	TITLE.	Introduced .....	Passed Senate.....	Passed Assembly.....
1	Relative to notifying Governor of the organization of the Legislature.....	45	45	140
2	Relative to Committee on Expenditures.....	45	47	140
3	Relative to allowing the people to use the non-navigable waters of the State for the general good.....	49	186	215
4	To promote the interests of agriculture.....	49	280	
5	Relative to restaurant in Capitol building.....	49	49	
6	To cheapen telegraphic communication.....	142	193	753
7	Relative to transportation on railways.....	142		
8	To appoint Joint Committee on Geological Survey.....	136	156	168
9	Relative to the establishment of a tri-weekly mail route from the Town of Middletown, in Lake County, via Glenbrook, to Uncle Sam, in same county.....	165	260	298
10	Relative to an amendment to the Constitution of the United States.....	165		
11	Relative to appointing a joint committee to visit San Francisco and examine into the affairs of the City Hall Commission, State Harbor Commission, etc.....	45		
12	Asking Congress for an appropriation to remove obstructions from navigable rivers of this State.....	169	183	282
13	To restore lands granted the Folsom and Placerville Railroad and Telegraph Company to the public domain....	185	242	287
14	Relative to coolie immigration.....	186		
15	Relative to appointment of joint committee to examine into City Hall and Harbor Commissions.....	194		
16	Reciprocity treaty with Mexico.....	194	365	453
17	Relative to restoring the odd sections reserved for the Atlantic and Pacific Railroad, in the Counties of San Luis Obispo, Monterey, Santa Cruz, Santa Clara, San Mateo, and San Francisco, to preëmption and homestead entry..	220	408	593
18	Requesting Congress to grant certain lands to the State of California .....	244	479	
19	Relative to adjournment for holidays.....	257	257	259
20	Relative to an apportionment by Congress to remove wreck of ship "Patrician," and Noonday Rock.....	274	274	308

## SENATE CONCURRENT RESOLUTIONS.

Number .....	TITLE.	Introduced .....	Passed Senate..	Passed Assem- bly.....
21	Relative to providing for printing Governor's Message.....	274	274	282
22	Approving appointment of General George Crook as Brigadier General .....	274	274	301
23	Proposing an amendment to section thirteen, Article XI, of the Constitution.....	279		
24	Relative to electing Trustees to State Library.....	279	279	287
25	On Chinese immigration and the Burlingame Treaty.....	279	408	533
26	Relative to returning Senate Bill No. 28, to correct a clerical error .....	294	294	301
27	Relative to correcting error in Senate Bill No. 28.....	299	299	305
28	Relative to appointing clerk to Joint Committee on Hos- pitals.....	305		
29	To secure the formation of a Commission to adjust, settle, and fix the losses which certain claimants have sus- tained by reason of the action of the General Govern- ment in relation to certain lands in Solano County.....	309	312	349
30	Relative to the establishment of an Indian reservation in Siskiyou County.....	322	322	363
31	Relative to the appointment of a Commission to ascertain and report the amount of property destroyed by Captain Jack's band of Modocs, and to whom it belonged. ....	322	322	730
32	Instructing Senators and Representatives to oppose the passage of certain bills pending in Congress.....	326	355	376
33	Relative to inserting title in Senate Bill No. 16.....	343	343	351
34	Relative to the establishment of a penal colony in Alaska.	350	426	
35	Asking for the repeal of the Act of Congress fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress.....	355	388	477
36	Relative to translating laws.....	355	355	362
37	Relative to returning Senate Bill No. 175.....	365	365	369
38	Relative to appointment of an additional member on joint committee on translating laws into Spanish.....	370	370	386
39	Asking Congress to establish a mail route in Sonoma County, and Post Office at Donahue, in said county....	393	393	537
40	Relative to right of way for a tunnel and title of that part of Klamath River which will be drained thereby.....	407		
41	Relative to the State University.....	413	414	417
42	Relative to furnishing arms by the General Government...	419	470	580

## SENATE CONCURRENT RESOLUTIONS.

Number .....	TITLE.	Introduced .....	Passed Senate .....	Passed Assembly .....
43	Relative to asking Congress to declare the meaning of joint resolution, etc., of June twenty-eighth, eighteen hundred and seventy.....	419	445	537
44	Relative to the State of Nevada.....	421		
45	Relative to the mail route from Shasta City, Shasta County, to Lake City, in Siskiyou County.....	432	432	533
46	Relative to mail service between San Diego and Julian mining district.....	456	502	638
47	Against granting a further subsidy to the Pacific Mail Steamship Company's line to China.....	486	486	603
48	Relative to the return to Congress of the Yosemite Valley and Mariposa Big Tree Grove, etc.....	500		
49	Relative to correcting error in Senate Bill No. 246.....	516	516	524
50	Concerning the improvement of the harbor of Oakland...	526	629	754
51	Relative to returning Senate Bill No. 191.....	533	533	535
52	Relative to enrolling Senate Bill No. 279 out of its order..	541	541	560
53	Returning Senate Bill No. 137 to Senate.....	573	573	580
54	In behalf of Charles M. Blake, late Chaplain of the U. S. Army.....	581	581	741
55	Relative to Joint Committee on Retrenchment.....			637
56	Relative to correcting error in enrolled Bill No. 628.....	628	637	191
58	Relative to appointing phonographic reporter for Committee on University Affairs.....	646	646	658
59	Relative to Joint Committee on Indian War Indebtedness of eighteen hundred and fifty-one and eighteen hundred and fifty-two.....	702		
	Relative to recommending certain persons to the Governor for pardon.....	733	733	785
61	Relative to asking Congress to reimburse General A. M. Winn.....	744		
62	Relative to correcting Senate Bill No. 301.....	768	768	
63	Relative to correcting Senate Bill No. 301.....	780	780	
64	Relative to returning thanks to Samuel J. Bridge.....	803	803	821
65	Relative to correcting a clerical error in Senate Bill No. 108.....	872	872	874

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ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly.....	Passed Senate..	Approved .....
1	An Act to amend certain sections of the Political Code. Freeman.....	108	670	1164	
2	An Act to regulate fares and freights on the railroads in the State of California. Freeman.....	108	506		
3	An Act to amend the Constitution of the State of California. Freeman.....	108			
4	An Act to repeal an Act entitled an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties. Cowdery.....	108	230	396	429
5	An Act to suppress Chinese slavery or involuntary servitude. Hill.....	108	672		
6	An Act to repeal an Act entitled an Act to change the manner of electing Supervisors in Del Norte, and prescribing the method thereof. Murphy.....	204			
7	An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three. Bowers.....	204			
8	An Act supplementary to an Act entitled an Act concerning roads in the County of Humboldt, approved February fourth, eighteen hundred and seventy-two. Hurlburt.....	204			
9	An Act to regulate freightage and fares on railroads, establish a reasonable maximum of charges, prevent unjust discriminations and extortions, define the rights of passengers, and to regulate the business of all railroad corporations within this State. Barton...	204			



Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate..	Approved .....
10	An Act to repeal an Act entitled an Act for laying out, altering, and vacating public roads in the County of Marin, approved April second, eighteen hundred and sixty-six; and an Act entitled an Act concerning roads in the County of Marin, approved March thirtieth, eighteen hundred and sixty-eight. Ables.....	204	230	259	306
11	An Act to repeal the Act approved April fourth, eighteen hundred and sixty-four, entitled an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto, and to authorize and require suit to be instituted by and on behalf of the State against the Central Pacific Railroad Company, to recover to and for the State the moneys paid under said Act on the bonds of said railroad company as interest. Tinnin.....	205			
12	An Act to insert in the Penal Code of this State sections ninety and ninety-one, providing a punishment for giving to or the use of free passes by officers. Tinnin.	205			
13	An Act supplemental to an Act entitled an Act to authorize the Board of Trustees of Woodland School District, in the County of Yolo, to borrow money for certain purposes, and provide for the payment of the same, approved February twenty-fourth, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two. Freeman.....	220	247	253	288
14	An Act for the relief of the heirs of J. W. Vance and L. P. Spyker. Ferguson.....	220			
15	An Act to amend an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two. Rogers.....	220	1016	1213	1232
16	An Act to amend an Act entitled an Act to change the manner of electing Supervisors in the County of Del Norte, and prescribing the method thereof. Murphy	220	230	339	366
17	An Act to provide for a Police Fund in and for the City and County of San Francisco. Cowdery.....	221			
18	An Act to repeal section three hundred of the Penal Code of the State of California. Murphy.....	221			
19	An Act to provide for the auditing and payment of the balance remaining due of the Indian war indebtedness of the State of California. Rogers.....	229			
20	An Act in relation to the School Fund of Tehama County. Simpson.....	229	246	253	288
21	An Act to repeal an Act entitled an Act concerning roads and highways in the County of Yuba, approved February third, eighteen hundred and seventy-two. Bradley .....	229	255	322	366

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly.....	Passed Senate.....	Approved .....
22	An Act concerning commercial travelers, and providing a license. Freidenrich.....	229	694		
23	An Act granting certain tide lands to the City of Oakland. Gurnett.....	229	474	618	665
24	An Act to authorize the Board of Education of the City and County of San Francisco to establish and maintain a labor school in and for said city and county. Terrill.....	230	488		
25	An Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Tulare, Fresno, and Kern. Ferguson...	240	404	480	548
26	An Act amendatory of section two hundred and sixty-six of the Political Code, concerning per diem and mileage of members of the Legislature, approved March twelfth, eighteen hundred and seventy-two. Freeman.....	240	670	1164	
27	An Act to provide for the preservation and distribution of the Supreme Court Reports of the State of California. Cowdery.....	240			
28	An Act to create a Board of Canvassers for the County of El Dorado, and other matters relating thereto. Williams .....	240	255	303	306
29	Proposed amendments to the Constitution of the State of California. Williams.....	240			
30	An Act to amend an Act entitled an Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties, fees of Court, and its officers, approved March tenth, eighteen hundred and sixty-six. Gurnett.....	240			
31	An Act to amend a certain section of Volume I of the Political Code. Parker.....	246	430	495	548
32	An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation. Coggins.....	246	785	993	
33	An Act to provide for the payment of certain witnesses in the case of The People of the State of California vs. Horace Smith. Roush.....	246	458	550	573
34	An Act to amend section twenty-seven hundred and twenty-six of the Political Code. Bradley.....	246			
35	An Act to amend section thirty-three hundred and eighty-five of the Political Code relative to animals kept for propagation. Barton.....	247	459		
36	An Act to amend section twelve hundred and sixty-four of Volume I of the Political Code relative to Messengers of Election. Burt.....	249			

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
37	Proposed amendment to the Constitution of the State of California. Coggins.....	250			
38	An Act to repeal an Act entitled an Act to provide funds for the further reclamation of Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County, approved April first, A. D. eighteen hundred and seventy-two, and for other purposes. Kerecheval .....	250	561	725	804
39	An Act to amend Article IV, section two, of the Constitution of the State of California. Northcutt.....	254			
40	An Act to abate the squirrel nuisance in certain counties in the State of California. Hammitt.....	254	619	791	855
41	An Act to amend section five hundred and eighty-five of Chapter II of Title VIII of the Code of Civil Procedure. Higbie.....	254			
42	An Act to provide for the location, construction, and maintenance of public roads in Lake County. Welch .....	254	403		
43	An Act to promote equal and prohibit double taxation. Coggins .....	254	351		
44	An Act to repeal an Act entitled an Act to protect agriculture, and to prevent the trespass of animals upon private property, in the County of Los Angeles and the County of San Diego, and part of Monterey County, approved February fourteenth, eighteen hundred and seventy-two; and to make the same applicable to the County of San Bernardino, so far as the same relates to San Bernardino County. Pishon .....	254			
45	An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy. Amerman.....	254	438	1034	1222
46	An Act to amend sections sixteen hundred and sixty-two, sixteen hundred and sixty-five, sixteen hundred and sixty-nine, sixteen hundred and seventy, and sixteen hundred and seventy-one of the Political Code. Cowdery.....	254			
47	An Act to amend section three thousand seven hundred and fifty-seven of the Political Code. Cowdery.....	254	304	339	366
48	An Act to repeal certain sections of the Political Code relating to the State Land Agent residing at Washington, D. C. Gray.....	260			
49	An Act to amend section two thousand six hundred and forty-five of the Political Code. Bradley.....	269			

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate.	Approved .....
50	An Act to amend section eight hundred and ninety-two of the Code of Civil Procedure. Thomas.....	289			
51	An Act to amend section one thousand five hundred and nineteen of the Penal Code. Thomas.....	289			
52	An Act to repeal certain sections of the Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to an educational journal. Gray .....	289			
53	An Act to appropriate money for the expense of the Tide Land Commission. Vandall.....	289	793	1034	1089
54	An Act to amend section one thousand two hundred and sixty-one of the Political Code relating to election returns. Burt.....	289			
55	An Act to amend sections three thousand seven hundred and eighty and three thousand seven hundred and eighty-five of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two. Rogers.....	303			
56	An Act to provide for assessing all the property of this State, and to prevent double taxation. Paulsell.....	303			
57	An Act granting leave of absence to Henry M. Isaacs, County Treasurer of Inyo County. Parker.....	303	422	446	572
58	An Act to enable the Board of Supervisors of Alameda County to erect county buildings in certain localities. Gurnett.....	303	464	498	548
59	An Act to make valid a certain deed made by the Board of Supervisors of the County of San Bernardino and the Board of Trustees of the Town of San Bernardino. Pishon.....	303	403		
60	An Act to amend section one thousand eight hundred and seventy-four, volume one, of the Political Code. Stowers .....	303			
61	An Act to regulate licenses in this State. Northcutt...	307			
62	An Act to repeal an Act entitled an Act to provide for the protection from overflow by Putah Creek of certain lands in the Counties of Yolo and Solano, approved April first, eighteen hundred and seventy-two. Freeman.....	307	442	550	573
63	An Act for the relief of William Pyburn. Tully.....	307			
64	An Act for the relief of Round Valley School District, Inyo County. Parker.....	323	363	481	563
65	An Act to amend the Penal Code, by adding a new section, to be known as section four hundred. Cowdery.....	323	403	473	548



Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
66	An Act to prevent the trespassing of animals upon private property in the County of El Dorado. Gilmore.	323	1015	1127	1222
67	An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Santa Anna River, in Los Angeles County, and to issue bonds for the payment of the same. Venable. ....	323	414	473	548
68	An Act for the relief of J. H. Adams, Sheriff of the County of Santa Clara. Tully.....	339		498	548
69	An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom. Gilmore of El Dorado.....	339	576	820	942
70	An Act to revise an Act entitled an Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two. Amerman .....	349	362	472	563
71	An Act to amend an Act fixing the time of holding the County Court and Probate Court in the County of Calaveras, approved April fourth, eighteen hundred and sixty-four. Fahey.....	349	414		
72	An Act to repeal section forty-one hundred and eleven of the Political Code, so far as the same applies to San Bernardino County, and to provide for the election of Supervisors in said county. Pishon.....	349	561	585	655
73	An Act to provide for the payment of the indebtedness incurred in repairing and refitting the Capitol. Baton .....	349	796	972	1046
74	An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board. Aldrich.....	349	404	436	462
75	An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county. Aldrich.....	349	475	863	989
76	An Act for the relief of William Rowland, Sheriff of Los Angeles County. Venable.....	350	443	498	548
77	An Act authorizing the Board of Supervisors of Mariposa County to levy an additional tax for county purposes. Snyder .....	350	488		
78	An Act regulating the salaries of certain officers of Mariposa County. Snyder.....	350	488	550	573
79	An Act to reimburse the Stationery, Lights, and Fuel Fund. Russell.....	350			

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
80	An Act proposing amendments to section three of Article VI, and section one of Article IX of the Constitution of the State of California. Howe.....	350			
81	An Act to declare Lake Earl, in Del Norte County, navigable. Murphy .....	350	409	481	548
82	An Act to change the name of Milton Hoar to the name of Milton Niles. Hill.....	350			
83	An Act to amend section thirty-nine hundred and eleven of the Political Code, relating to the boundary line between Shasta and Tehama Counties. Simpson.....	350			
84	An Act making an appropriation for deficiencies in the office of the Secretary of State. Russell.....	350			
85	An Act to authorize the Board of Supervisors of Del Norte County to transfer certain funds. Murphy...	350	409	564	584
86	An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Klamath and Del Norte. Murphy.....	350	409	527	563
87	An Act in relation to Swamp Land District Number One Hundred and Fifty. Freeman.....	350	422		
88	An Act to enumerate the inhabitants of the State of California. Murphy.....	360	577	725	
89	An Act to provide for the construction and maintenance of free bridges in the County of Trinity, and to set apart a Fund therefor. Tinnin.....	360	414	549	563
90	An Act to incorporate the Town of San Rafael. Ables	361	464	589	666
91	An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco. Wickware.....	361	414	707	757
92	An Act supplementary to an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight, and an Act supplementary and amendatory thereof, approved April first, eighteen hundred and seventy. Freidenrich.....	361			
93	An Act to amend the Political Code in relation to common schools. Giffen.....	361			
94	An Act to authorize the Board of Supervisors of Humboldt County to transfer certain funds. Huriburt...	361	422	564	584
95	An Act to change the orthography of the name of a town in Shasta County. Klotz.....	361	422	447	480

Number .....	TITLE.	Introduced ....	Passed Assembly .....	Passed Senate..	Approved .....
96	An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representatives thereof. Amerman.....	361	729	864	942
97	An Act to create the County of Canby, to establish the boundaries thereof, and to provide for its organization. Cressler.....	361			
98	An Act to amend an Act entitled an Act to prevent the trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five. Hammitt.....	361			
99	An Act to repeal an Act entitled an Act supplementary to an Act to prevent trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five. Hammitt.....	361	1007		
100	An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three. Bowets.....	361	522	780	942
101	An Act amendatory of an Act entitled an Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved March twenty-sixth, eighteen hundred and seventy. Murphy.....	351	422	564	584
102	An Act to amend the Code of Civil Procedure. Cowdery.....	362	784	833	1089
103	An Act to prevent hogs and goats running at large in the Town of Davisville, Yolo County. Freeman....	362	379	512	572
104	An Act to reincorporate the Town of San Buenaventura, and approving certain ordinances and proceedings of the Town Trustees. Escandon.....	368	430	473	548
105	An Act to define the mode of electing members of the Assembly, and of representatives of electors therein. Hammitt .....	368			
106	An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank, any deposit in such bank, where the same does not exceed the sum of five hundred dollars. Hamill .....	368	523	618	665
107	An Act to repeal subdivision second of section one hundred and fifteen of the Code of Civil Procedure. Amerman .....	368	561	683	757

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate..	Approved .....
108	An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization. Tully.....	368	463	550	611
109	An Act to amend class nine and add class ten to section thirty-three hundred and eighty-two of the Political Code. Timin.....	368		667	
110	An Act to authorize the County Treasurer of San Diego County to pay off certain funded indebtedness of said county. Bowers.....	368	449	456	520
111	An Act to amend the Political Code by adding sections thirty-two hundred and forty-six, thirty-two hundred and forty-seven, and thirty-two hundred and forty-eight, regulating hours of labor in certain cases. Cowdery.....	368	523		900
112	An Act to amend section eight hundred and ninety-one of the Code of Civil Procedure. Welch.....	368			
113	An Act to amend section thirteen hundred and sixty-five of the Code of Civil Procedure. Freidenrich...	368			
114	An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island, Vallejo, and Benicia, approved March twenty-second, eighteen hundred and seventy. Patterson.....	368	772		
115	An Act to declare Lilian, Arvilla, and Carra May Shirland legal heirs of S. B. Weller. Giffen.....	368			
116	An Act to amend the Penal Code by adding a section, to be designated as section seven hundred and ninety-five, relating to the trial of certain cases. Cowdery.	369	613	683	831
117	An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell certain lands in said city and county. Terill.....	376	617	707	804
118	An Act to provide for copying the mutilated maps on file in the office of the Recorder of the City and County of San Francisco. Freidenrich.....	376	619		
119	An Act for the protection of game in Nevada County. Pelham .....	377	430	512	563
120	An Act to extend the Statute of Limitations of this State by amending sections three hundred and thirty-six, three hundred and thirty-seven, and three hundred and thirty-nine, and adding section three hundred and forty-eight to the Code of Civil Procedure. Timin.....	377			
121	An Act to amend section three thousand three hundred and thirty-seven of the Political Code, so as to exempt officers and members of unpaid fire companies from the payment of road and poll tax. Amerman.	377			



## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
122	An Act providing for the refunding of the bonded indebtedness of the County of Santa Cruz. Thomas..	377	430	447	480
123	An Act granting certain lands in the City of San Diego to San Diego Lodge, Number Thirty-five, Free and Accepted Masons, for cemetery purposes. Bowers..	377	449	456	520
124	An Act to allow the San Diego and Arizona Mining Company to change its principal place of business from San Diego, to the City and County of St. Louis, Missouri. Bowers.....	377	613	792	855
125	An Act granting leave of absence to D. B. Merry, County Surveyor of Nevada County. Pelham.....	377	430	683	705
126	An Act to amend the Civil Code. Williams.....	382	1035	1135	1221
127	Proposed amendments to the Constitution of the State of California. Williams.....	383			
128	An Act for the relief of Richard Palmer. Northcutt...	383			
129	An Act to amend sections one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-five, one hundred and thirty-six, and one hundred and thirty-nine of the Political Code. Welch.....	383			
130	An Act to amend sections three thousand eight hundred and thirty-nine, three thousand eight hundred and forty, three thousand eight hundred and forty-one, three thousand eight hundred and forty-three, three thousand eight hundred and forty-five, three thousand eight hundred and forty-six, three thousand eight hundred and forty-seven, three thousand eight hundred and fifty-four, three thousand eight hundred and fifty-seven, three thousand eight hundred and fifty-eight, three thousand eight hundred and fifty-nine, and for the repeal of section three thousand eight hundred and sixty, of Chapter IX, of the Political Code. Gilmore of El Dorado.....	384			
131	An Act entitled an Act to provide for funding the debt of Kern County. Canfield.....	396			
132	An Act amendatory of an Act entitled an Act relating to the Board of Supervisors of the Counties of Napa and Mendocino, approved April fourth, eighteen hundred and sixty-four, so far as the same applies to or affects Mendocino County. McCallum.....	396	430	447	480
133	An Act to repeal an Act entitled an Act to authorize the Counties of Mendocino, Humboldt, Klamath, and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties, so far as the same applies to or affects the County of Mendocino. McCallum.....	396	430	512	563
134	An Act to amend section two hundred and sixty-eight of the Political Code. Giffen.....	396			

## ASSEMBLY BILLS.

[See Assembly Journal]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate.	Approved .....
135	An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof. McCallum.....	402			
136	An Act to amend the Political Code of the State of California. Freidenrich.....	403	613		
137	An Act to amend the Civil Code of the State of California. Freidenrich.....	403			
138	An Act to provide for the payment of the architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco. Freidenrich.....	403	528	617	665
139	An Act to amend section four hundred and ninety-six of the Penal Code. Freidenrich.....	403	528	667	757
140	An Act applying certain sections of the Political Code to the County of Fresno. Ferguson.....	403	523	666	757
141	An Act to provide for the construction of wagon roads within the limits and between the Yosemite and the Mariposa Big Tree Parks. Snyder.....	406			
142	An Act to create the Twenty-first Judicial District, and for other purposes. Freeman.....	406			
143	An Act to amend the Political Code respecting the assessment and collecting of taxes. Freeman.....	406	671		1090
144	An Act for the relief of James P. Sargent, assignee of James W. Davis. Tully.....	410			
145	An Act to provide for the collection of certain unpaid taxes in Fresno County. Ferguson.....	413	537	770	804
146	An Act to incorporate the Town of Castroville, Monterey County, California. Tully.....	421	496		
147	An Act to amend the Political Code in relation to highways. Parker.....	421	827	1104	1221
148	An Act amendatory of and supplementary to an Act approved March seventh, eighteen hundred and seventy-two, entitled an Act to incorporate the Town of Alameda. Amerman.....	421	736	857	989
149	An Act amendatory of and supplementary to an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two. Venable.....	421	734	820	857
150	An Act to prohibit the carrying of concealed weapons. Murphy .....	421			
151	An Act to appropriate money for the relief of General J. A. Sutter. Northup.....	422	523	585	655

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
152	An Act to create the office of Bank Commissioner, and to prescribe his duties and powers. Freeman.....	422			
153	An Act for the better protection of the lands in Swamp Land District Number Two, in Sacramento County. Kercheval .....	429			
154	An Act to provide for the construction of a flume for the transportation of lumber and other like materials, from the headwaters of San Lorenzo Creek to the Town of Santa Cruz, in the County of Santa Cruz. Rea.....	429			
155	An Act to incorporate Salinas City. Tully.....	437	496	666	804
156	An Act to amend an Act entitled an Act for the protection of fish in the waters of Butte Creek, in the County of Butte, approved February twenty-first, eighteen hundred and seventy-two. Clark.....	437	496	550	584
157	An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for the purpose of paying E. Chaquette for building bridges for said county. Parker .....	437	618	683	855
158	An Act relating to the residence of the County Judge of San Bernardino County. Pishon.....	437			
159	An Act to amend an Act entitled an Act for the suppression of Chinese houses of ill-fame. Patterson...	437	496	550	573
160	An Act to amend an Act entitled an Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County, approved February twenty-seventh, eighteen hundred and sixty-six. Miller.....	437	528	604	656
161	An Act concerning lawful and partition fences. Bryan.	437			
162	An Act to amend certain sections of the Code of Civil Procedure. Gray.....	437			
163	An Act for the more effectual prevention of cruelty to animals. Cowdery.....	437	613	955	1011
164	An Act to provide for the return to the State Treasury and for cancellation of certain Controller's warrants. Freeman.....	437	672	990	1046
165	An Act to amend the Civil Code of this State. Swift...	441	896		
166	An Act amending section three hundred and ninety-two of the Code of Civil Procedure. Aldrich.....	441			
167	An Act for the protection and preservation of fish in the waters of San Antonio Creek, in the County of Alameda. Amerman.....	441	639		
168	An Act to fund certain indebtedness of Sonoma County. Dixon.....	441	491	589	611

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
169	An Act to legalize the debt contracted for building a school house in Martinez School District, and to provide for the payment of the same. Hammitt.....	448	527	667	790
170	An Act to amend an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two. Hurlburt .....	448	528	604	655
171	An Act to provide for the construction of certain wagon roads in the County of Humboldt. Hurlburt .....	448	528	617	757
172	An Act to provide a system of irrigation. Venable....	448	798		
173	An Act concerning certain public reservations of the City and County of San Francisco. Wickware.....	448	566	828	879
174	An Act concerning the selection and sale of University lands. Myers .....	448			
175	An Act to amend certain sections of, repeal certain sections of, and to add certain sections to the Political Code. Knox.....	448			
176	An Act to amend sections two thousand five hundred and twenty-one to two thousand five hundred and fifty-four, inclusive, of the Political Code. Swift....	457			
177	An Act to reincorporate the City of Napa. Welch.....	457	528	637	705
178	An Act to provide for the purchasing of sites and the erection of school buildings for the common schools of the City and County of San Francisco. Aldrich.	457			
179	An Act to add section sixteen hundred and twenty-five to the Political Code. Coggins.....	457			
180	An Act to fix the salary of the Superintendent of Public Schools in Butte County. Clark.....	457	528	683	757
181	An Act to repeal section five hundred and fifteen of the Political Code. Northcutt.....	458			
182	An Act to reincorporate the City of Monterey. Tully.	458	675	992	
183	An Act to induce school teachers to continue in the profession, and make teaching a specialty. Northcutt .....	458			
184	An Act to repeal section fifteen hundred and forty-two of the Political Code. Kercheval.....	458	613	633	757
185	An Act amendatory of section three thousand nine hundred and eighty-one of the Political Code of the State of California. Wright.....	458			
186	An Act to amend section two hundred and fifty-five of the Political Code. Judiciary Committee.....	460	562	683	



## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....	Approved .....
187	An Act to create the County of Summit, to establish the boundaries thereof, and to provide for its organization. Cressler .....	462	528	612	656
188	An Act to authorize the payment of fees and mileage to certain witnesses. Barton.....	462			
189	An Act relating to the apprenticeship of minors and dissolute persons, and defining the relations between master and servant. Barton.....	462			
190	An Act legalizing a certain road in Marin County. Ables .....	463			
191	An Act to provide for the protection of lands from overflow in the County of Yuba. Bradley.....	463	491	683	768
192	An Act to add additional sections to the Political Code relating to costs in criminal cases. Cowdery.....	463	561	725	757
193	An Act to amend section nine hundred and fifty-five of the Political Code. Pelham.....	463	827	955	1104
194	An Act for securing liens of mechanics and others. Terrill.....	463	591	1127	1216
195	An Act to amend section seventeen of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy. Frank.....	463			
196	An Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of Perry Johnson, City Marshal of said city. Gurnett .....	463	528	604	656
197	An Act to amend the Political Code of the State of California, defining the boundary line between the Counties of Nevada and Placer. Gillen.....	463			
198	An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano. Heald.....	474	554	585	724
199	An Act in relation to the swamp and overflowed lands of this State. Klotz.....	474	958		
200	An Act to repeal an Act in relation to the President and Clerk of the Board of Supervisors of Sacramento County, passed March thirtieth, eighteen hundred and seventy-two. Kercheval.....	474			
201	An Act concerning lands situate within and belonging to the City and County of San Francisco. Swift....	474	554	725	
202	An Act to authorize the Controller of State to issue duplicate warrants to J. F. Bailey. Barton.....	474	554	791	855

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate..	Approved .....
203	An Act to provide for the election of certain officers and reduce certain salaries in the City of Sacramento. Coggins.....	474	675		
204	An Act prohibiting private contracts for convict labor in the State Prison. Patterson.....	474			
205	An Act to amend the Political Code. Norton.....	474	975	1135	1221
206	An Act to abolish capital punishment. Murphy.....	482			
207	An Act to amend an Act entitled an Act repealing Article IV of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV, approved April first, eighteen hundred and seventy-two. Terrill .....	482			
208	An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Los Angeles, in the County of San Diego, and parts of Monterey County, approved February fourteenth, eighteen hundred and seventy-two, and to repeal an Act amendatory thereof, approved March fifth, eighteen hundred and seventy-two. Bowers.....	482	555		
209	An Act to create the Twenty-first Judicial District, and for other purposes. McCallum.....	482			
210	An Act to regulate official fees and salaries in the County of San Bernardino. Pishon.....	482	537		666
211	An Act to amend an Act entitled an Act to better define the boundary line between Mariposa and Fresno Counties. Snyder.....	482	537	564	611
212	An Act to grant leave of absence to George I. Bennett, County Recorder and Auditor of Contra Costa County. Hammitt.....	482	528		
213	An Act to repeal an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two. Kercheval.....	482	827	869	1103
214	An Act fixing the name of a certain body of water in Alameda County. Coggins.....	483			
215	An Act to prevent fraudulent sales of merchandise. Northcutt.....	483	935		
216	An Act to provide for utilizing the labor of convicts in the State Prison of this State. Patterson.....	486			

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
217	An Act to protect public funds of this State. Vandall.....	486			
218	An Act to redistrict the City and County of San Francisco, and to provide for the election of Supervisors therein. Howe.....	486			
219	An Act to prevent discrimination in places of public amusement. Patterson.....	486	571	774	
220	An Act to regulate fares and the sale of tickets by street railroad companies in the City and County of San Francisco. Patterson.....	487			
221	An Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte, approved March fourth, eighteen hundred and seventy-two. Gray.....	495	554	820	
222	An Act supplemental to an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy. Franck.....	495	562	589	655
223	An Act restricting the herding of sheep to certain pastures in Nevada County. Pelham.....	495	554		
224	An Act to prohibit the carrying of concealed weapons. Murphy.....	495			
225	An Act to fix the salary of the Superintendent of Public Schools of Marin County. Ables.....	495	562	725	757
226	An Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts. Meyers.....	495			
227	An Act to authorize the construction of a wagon road from Cushmanburg Springs, in the County of San Bernardino, to the Humboldt Valley mines, in said county. Pishon.....	495	555	604	655
228	An Act to prohibit the collection of accounts for liquors sold at retail. Wright.....	495	826	955	1011
229	An Act to amend section twelve hundred and seventy-five of the Civil Code. Rogers.....	498	499	513	520
230	An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts. Gilmore of El Dorado.....	504	793		
231	An Act entitled an Act to transfer certain funds in the County of Kern. Canfield.....	504	734	901	988
232	Proposed amendments to section ten of Article IX of the Constitution. Ingham.....	504			

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
233	An Act granting leave of absence to C. Burden, Public Administrator and Coroner of the County of Tuolumne. Long.....	504	555	617	666
234	An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as the same relates to Santa Cruz County. Thomas.....	504	555	617	666
235	An Act to grant the right to construct a turnpike road from Truckee City, in the County of Nevada, to the Town of Loyalton, in the County of Sierra. Giffen.	504			
236	An Act to quiet titles to certain lands in Yolo County. Freeman .....	513	788	955	1011
237	An Act to protect agriculture in the County of Butte. Gray .....	513	555	791	855
238	An Act to regulate fees and salaries of officers, and defining their duties, in the County of San Diego, and other matters relating thereto. Bowers.....	513	674	944	
239	An Act to furnish Justices of the Peace with copies of the Codes. Murphy.....	513	1042		
240	An Act to amend section fourteen hundred and sixty-nine of the Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two. Rogers.....	513			
241	An Act to regulate the salaries and fix the compensation of certain county officers in the County of Sonoma. Northcutt .....	515	580	707	942
242	An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years. Committee on Ways and Means.....	519	731	1104	1226
243	An Act to prevent drunkenness in public places in the State of California. Bowers.....	522			
244	An Act to amend section forty-three hundred and twenty-nine of the Political Code. Ferguson.....	522			
245	An Act for the relief B. K. Thorn, Sheriff of Calaveras County. Fahey.....	522	613	683	705
246	An Act to regulate and govern the California State Prison. Ables.....	522	665	959	
247	An Act to repeal sections fifteen hundred and forty-two and eighteen hundred and fifty-nine of the Political Code, so far as relates to the Counties of Mono and Inyo, and for other purposes. Parker.....	522			
248	An Act fixing the salaries of certain county officials in Inyo County. Parker .....	522	576	667	777



## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
249	An Act concerning official bonds in Mono County. Parker .....	522	576	667	757
250	An Act to amend the Political Code in relation to Notaries Public. Barton .....	522			
251	An Act to amend section seventeen hundred and eighty-eight of the Code of Civil Procedure. Williams.....	522	827		
252	An Act to enable the City and County of San Francisco to issue revenue bonds. Aldrich .....	527	871		
253	An Act to repeal all special road laws in the County of Contra Costa. Hammitt.....	527	528	667	757
254	An Act to provide for the payment of the deficiency in the salaries of the members of the State Board of Examination for the twenty-third fiscal year. Higbie.....	527	1007	1060	1206
255	An Act to fix the salary and bond of the Treasurer of Fresno County, California. Ferguson.....	527	620	707	790
256	An Act to regulate the price of quicksilver in this State. Gilmore of Calaveras.....	527			
257	An Act to add section eleven hundred and sixty-five to the Civil Code. Coggins.....	527	695	820	879
258	An Act relating to conveyances of real estate. Gray...	527	694	820	879
259	An Act to amend section eight hundred and forty-five of the Code of Civil Procedure. Williams .....	527			
260	An Act granting right of way to Sierra Iron Company. Byers.....	537	677	820	879
261	An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight. Kercheval.....	537	827	869	942
262	An Act to provide for the better protection of stockholders in incorporated companies. Tinnin .....	537			
263	An Act to amend section three hundred of the Penal Code. Hurlburt.....	537			
264	An Act to amend section twenty-nine hundred and fifty-five of the Civil Code. Patterson.....	537	827		
265	An Act to confer further powers and privileges upon the Trustees of Los Nietos Collegiate Institute. Venable.....	537	734	820	879
266	An Act to amend section seven hundred and ninety-eight of the Political Code. Rogers.....	537	797	869	942
267	An Act to amend the Political Code. Vandall.....	537			

Number .....	TITLE.	Introduced .....	Passed Assembly.....	Passed Senate..	Approved .....
263	An Act supplementary to an Act-entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight, and an Act supplementary and amendatory thereof, approved April first, eighteen hundred and seventy. Freidenich.....	538			
269	An Act for the relief of Andrew Wasson, Sheriff of Monterey County. Tully .....	551	673	832	942
270	An Act to provide for the erection of county buildings at the City of Vallejo, in Solano County, and other matters relating thereto. Heald.....	551	734		
271	An Act for the relief of Center School District, County of Solano. Heald .....	551	734	820	879
272	An Act to amend the Civil Code by adding a new section, to be designated section thirteen hundred and thirtie n. Rogers.....	551	749	944	989
273	An Act to ratify and confirm the sale of a franchise granted under and by an Act entitled an Act to authorize D. B. Northrop, Horace Cole, and E. B. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco, approved April eighteenth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April twenty-fourth, eighteen hundred and sixty-three, and an Act amendatory thereof, approved April fourth, eighteen hundred and sixty-four. Rogers.....	551	674		
274	An Act to amend section five hundred and ninety-five of the Code of Civil Procedure. Davis.....	551	827		
275	An Act to prevent hogs and goats running at large in the Town of Fiddletown, Amador County. Miller..	551	675	791	855
276	An Act to authorize Isaac E. Davis and Henry Cowell, and others, to lay down and maintain water pipes in the Town of Santa Cruz. Thomas.....	552	605	692	790
277	An Act to amend section sixteen hundred and sixty-nine of the Political Code. Terrill.....	552			
278	An Act in relation to jurors in Courts of Justices of the Peace in the County of Humboldt. Hurlburt..	552	618	692	790
279	An Act to provide separate offices for certain officials of Los Angeles County. Higbie.....	552			
280	An Act to change the road laws of Kern County. Canfield .....	552	735	808	831
281	An Act for the relief of John C. Burgess and Orrin Champlin. Cressler.....	552	865	1145	1215

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced ....	Passed Assembly .....	Passed Senate .....	Approved .....
282	An Act to amend section one thousand and fifty-two of the Penal Code. Paulsell.....	552			
283	An Act to amend sections two hundred and seventy and two hundred and seventy-one of, and to add sections two hundred and seventy-two, two hundred and seventy-three, and two hundred and seventy-four to, the Code of Civil Procedure. Cowdery.....	552	908	1107	1217
284	An Act to provide for the enforcement of private contracts for street work. Cowdery.....	552			
285	An Act to open, establish, grade, and macadamize a public street in the City and County of San Francisco, known and to be called Ninth Avenue, and to take private lands therefor; and to grade and macadamize a part of D street, to grade and macadamize a part of Seventh Avenue, to grade and macadamize a part of B street, to grade and macadamize a part of Fifth Avenue and certain street crossings of the City and County of San Francisco, and to construct a bridge across Islais Creek. Vandal.....	552			
286	An Act to organize Siskiyou County into one swamp land district. Cressler.....	552			
287	An Act supplementary to and amendatory of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four, and to provide ways and means for building, furnishing, and repairing school houses in said city, and for other purposes. Williams.....	552	736	828	942
288	An Act amendatory of the Political Code of the State of California, by adding thereto a section to be designated as section twelve hundred and seventy-nine. Williams.....	552	793	856	
289	An Act to license the business of underwriting, and to regulate the rates of premiums. Northcutt.....	553			
290	An Act to prevent stallions from running at large in the County of Mono. Parker.....	553	618	693	790
291	An Act to authorize the City of Sacramento to raise and pay to the former owners of land sold to the State of California, to enlarge the Capitol grounds, the balance of the purchase price of said land. Barton .....	553	674	809	855
292	An Act concerning the selection and sale of the University lands. Gray.....	553			
293	An Act to amend section three thousand three hundred and ninety-eight of the Political Code. Gray.....	553			
294	An Act to amend section three thousand five hundred and seventy-three of the Political Code. Gray.....	553	898		

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly.....	Passed Senate..	Approved .....
295	An Act to fix the salaries of certain officers in Mendocino County. McCallum.....	553	588	709	757
296	An Act to provide for a permanent Law Commission. Vandall .....	553			
297	An Act to provide a County Treasurer for the County of Fresno for the term commencing the first Monday in March, in the year eighteen hundred and seventy-four. Ferguson .....	557	578	944	
298	An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture and prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four. Committee on Agriculture.....	558	664	725	757
299	An Act to amend section thirty-four hundred and forty-three of the Political Code. Cressler.....	560			
300	An Act to amend section thirty-four hundred and forty-two of the Political Code. Cressler.....	560			
301	An Act to protect agriculture, and to prevent the trespassing of animals in the County of Tehama. Simpson.....	561	752	1144	1222
302	An Act to protect shippers of produce. Northcutt.....	561			
303	An Act to provide for the construction of a common wagon road from Healdsburg, in Mendocino Township, in Sonoma County, to Pine Flat, in said county. Northcutt. ....	561	618	809	879
304	An Act to regulate rates of charges on telegraph lines in this State. Snyder.....	561			
305	An Act providing for an additional Justice of the Peace in Chico Township, Butte County. Clark.....	561	618		
306	An Act to amend thirty-six hundred and seven of the Political Code. Barton.....	561			
307	An Act to provide for the payment of interest on Controller's warrants on the Fund of Swamp Land District Number Thirty-eight. Barton.....	561			
308	An Act for the relief of Joel D. Bailey. Barton.....	561			
309	An Act to amend the Civil Code relative to Inspectors of Gaspipes and Gas Meters. Vandall.....	561			
310	An Act to amend sections twenty-four hundred and thirty, twenty-four hundred and forty, twenty-four hundred and forty-seven, twenty-four hundred and fifty-seven, twenty-four hundred and fifty-eight, twenty-four hundred and sixty-four, twenty-four hundred and sixty-five, twenty-four hundred and				



## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
	sixty-six, twenty-four hundred and sixty-seven, and twenty-four hundred and sixty-eight of the Political Code. Simpers (by request).....	561			
311	An Act to amend an Act entitled an Act to regulate fees of office, approved March twenty-eighth, eighteen hundred and sixty-eight. Murphy.....	569			
312	An Act supplementary to an Act to establish a paid fire department in the City of Sacramento, approved April first, eighteen hundred and seventy-two. Cog-gins.....	569	620	791	831
313	An Act to amend an Act supplementary to an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, ap-proved March thirtieth, eighteen hundred and seventy-two. Cogins.....	569	620	792	
314	An Act to confer further powers upon the City Board of Examination of the City and County of San Francisco, and the Board of Education, Auditor, and Treasurer of said city and county. Aldrich.....	569	619	683	737
315	An Act to amend an Act entitled an Act to incorporate the City of Sacramento, passed April twenty-fifth, eighteen hundred and sixty-three. Russell.....	570			
316	An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Santa Clara County. Franck.....	570	674	820	879
317	An Act declaring Alameda Creek, in the County of Alameda, a navigable stream, and providing for the removal of obstructions therefrom. Amerman.....	570	675	792	831
318	An Act to amend section thirty-three hundred and eighty-one of the Political Code. Wright.....	570			
319	An Act to unite Putah School District, in the County of Solano, and Yolo School District, in the County of Yolo. Freeman.....	570	664	857	
320	An Act concerning fees in office of the Sheriff of Mon-terey. Tully.....	574			
321	An Act to prevent hogs, horned cattle, goats, and horses from running at large in the Town of Martinez, in Contra Costa County. Hammitt.....	575	619	791	831
322	An Act to provide for the issuance of the bonds of the County of Marin, for the payment of the out-stand-ing indebtedness of said county for road and bridge purposes. Ables.....	575	619	791	831

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
323	An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing south of Market street. Swift .....	575	619	666	
324	An Act for the relief of Thaddeus R. Brooks. Hamill..	575			
325	An Act concerning roads and highways in Mendocino County. McCallum.....	575			
326	An Act to repeal an Act entitled an Act to provide for the opening and improving of Santa Clara and Saratoga Avenue, in the County of Santa Clara, approved March sixteenth, eighteen hundred and seventy-two. Franck.....	575	892	972	1089
327	An Act to provide for the fees of Court Commissioners in and for the City and County of San Francisco. Freidenrich.....	575			
328	An Act to prevent double taxation. Hill.....	575			
329	An Act to promote the destruction of squirrels and other wild and destructive animals. Venable.....	575			
330	An Act concerning roads and highways in the County of Monterey. Tully.....	575	620	791	831
331	An Act to amend the Code of Civil Procedure. Williams .....	575			
332	An Act to create a permanent Commission on Law Codification. Williams.....	575	936		
333	An Act to amend an Act to establish a Code of Civil Procedure. Cowdery.....	586	610	617	656
334	An Act to amend the Civil Code relating to liens. Cowdery .....	586	750		
335	An Act to amend the Civil Code relating to liability of landlords. Cowdery.....	586	750		
336	An Act granting the right to carriers and venders of newspapers, books, and periodicals, to sell and distribute the same on railroads, steamboats, and sailing vessels in this State, and for other purposes. Peek..	586	793		
337	An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa. Wright.....	586	675	820	942
338	An Act to authorize the City of Santa Rosa to borrow money. Wright.....	586	675		
339	An Act to authorize the City of Oakland to construct a main sewer. Gurnett.....	586	871	944	1047

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
340	An Act to provide funds for the City of Oakland. Gurnett.....	586	815	1080	1214
341	An Act to equalize a certain assessment made by the officers of the Town of Brooklyn. Gurnett.....	586	735	1144	1216
342	An Act ratifying and confirming action of the City Council of the City of Oakland for the relief of W. W. Foote. Gurnett.....	586	735	810	879
343	An Act to repeal an Act entitled an Act concerning roads and highways in the County of Sutter. Chandler .....	586	674	809	855
344	An Act to amend sections three thousand and nine, three thousand and ten, three thousand and twelve, and three thousand and thirty-two, Article III, Chapter II, Title VII, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two. Howe.....	588	786	900	1046
345	An Act to postpone the next charter election of the City of Oakland, and extend the time of officers of said city. Gurnett.....	590	612	6 3	757
346	An Act to add certain sections to, amend certain sections of, and repeal certain sections of the Political Code. Higbie.....	604			
347	An Act to provide for the payment or funding of certain Controller's warrants drawn upon Swamp Land Funds. Coggins.....	604			
348	An Act to regulate the traveling fees of the Sheriff of the County of Inyo, and of the Constables within said county. Parker.....	604	620	692	
349	An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims. Aldrich.....	604	753	972	1125
350	An Act to authorize the Board of Supervisors of Mariposa County to allow compensation to Manuel De Silva and brother for maintaining a ferry. Snyder.....	604	712	820	879
351	An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society, in the City of Oakland, County of Alameda. Gurnett.....	604	736	944	1047
352	An Act for the relief of Asa Howard and others, of the County of Alameda. Gurnett.....	604	735		
353	An Act to regulate the fees of the County Recorder of Santa Clara County. Hay.....	605	758	759	790
354	An Act amendatory of and supplementary to an Act approved February tenth, eighteen hundred and seventy, entitled an Act amendatory of and supplementary to an Act entitled an Act to organize and				

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
	regulate the Justices' Courts in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six. Rogers.....	605			
355	An Act to authorize the transfer and loan of certain funds in Lake County. Welch.....	605	734	856	
356	An Act prescribing what shall constitute a lawful and exclusive trademark or trade name, and defining what shall be deemed an infringement thereof, and providing for the due registration and protection of such trademarks and trade names, and further repealing all Acts and amendments to the same heretofore enacted concerning trademarks and trade names. Tully.....	605			
357	An Act to fix the salary of the Superintendent of Public Schools in the City of Marysville. Bradley.....	605	620	667	705
358	An Act to authorize P. H. Kean, J. Whalen, Charles Hoerchner, and their associates and assigns, to improve the channel of the Mokelumne River, from North Fork to Winters' Bar, and erect booms thereon. Gilmore of Calaveras.....	606			
359	An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county. Terrill.....	607	871	993	1103
360	An Act concerning the terms of office and the times of meeting of the Supervisors of Yolo County. Freeman.....	612	674	792	831
361	An Act relating to interest. Snyder.....	612			
362	An Act concerning railroad tickets in this State. Roush .....	612	717		
363	An Act to provide for the establishment of a public library in the City of Los Angeles. Higbie.....	613			
364	An Act fixing the salary of County Clerk in the County of Shasta. Klotz.....	615	624	683	757
365	An Act allowing the Sheriff of Shasta County compensation for the services of Under Sheriff. Klotz.....	615	624	683	757
366	An Act in relation to the Industrial School Department of the City and County of San Francisco. Swift...	622	675	731	804
367	An Act authorizing the Board of Supervisors of the City and County of San Francisco to examine and pay certain claims. Rogers.....	622	675	901	989



## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
368	An Act to authorize the Board of Trustees of Redwood City to extend and open Stambaugh street, in said town, from the intersection of said street with the west side of Maple street to its intersection with Main street, and to condemn private property for the roadway of said street. Byrnes.....	623	734	901	988
369	An Act to prevent and correct truancy and vagrancy among boys of school age in the City and County of San Francisco. Vandall.....	623			
370	An Act to amend an Act entitled an Act regulating proceedings in Courts of record of Nevada County in certain cases. Giffen.....	623	735	945	1011
371	An Act to provide for the construction of a railroad from a point on the Central Pacific Railroad to a point near Jamison City, in Plumas County. Giffen.....	623			
372	An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Yolo. Freeman.....	623	675	809	879
373	An Act amendatory of and supplementary to an Act entitled an Act to facilitate and increase the collection of State and county and municipal licenses in the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-two. Vandall .....	624			
374	An Act supplementary to an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one. Cowdery....	629	753	901	1046
375	An Act to amend the Code of Civil Procedure. Cowdery.....	629			
376	An Act to provide for the improvement of the roadway leading to the Sacramento City Cemetery. Coggins.....	629	675	792	831
377	An Act to protect the groves of big trees in the Counties of Fresno, Tulare, and Kern. Ferguson.....	629	733	856	
378	An Act to restrict gambling. Fahey .....	629			
379	An Act to amend section six hundred and sixty-seven of the Code of Civil Procedure. Peck.....	629			
380	An Act to authorize certain persons to improve a portion of the Mokelumne River, and reërect a boom thereon. Miller .....	630	380		
381	An Act to amend section fifty-three of an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-third, eighteen hundred and sixty-three. Russell.....	630			

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
382	An Act to prohibit the feeding of milch cows on still slops, and the sale of milk from cows fed on still slops, and from sick or diseased cows. Dixon.....	630	760		
383	An Act to provide for building a bridge at the mouth of the Bay of San Leandro, in the County of Alameda. Amerman .....	630	733	931	1047
384	An Act to amend section thirty-six hundred and forty-four of the Political Code. Amerman.....	630	1153		
385	An Act to add to Title II, Part III, of the Code of Civil Procedure, sections providing for contesting all elections. Williams.....	630	827		
386	Proposed amendments to the Constitution of the State of California. Williams.....	630			
387	An Act for the incorporation of the Town of Wheatland. Carter.....	630	734	857	
388	An Act to quiet title to certain lands in the Counties of Yolo and Colusa, in the State of California. Freeman.....	630	1062	1127	1215
389	An Act for the relief of James P. Sargent. Tully.....	630	828		
390	An Act to repeal Article XI, of Chapter I, Title VI of the Political Code. Howe .....	638	980	1014	
391	An Act to repeal an Act entitled an Act to amend an Act amendatory of and supplemental to an Act regulating rodeos. Ferguson.....	638	907	1144	1216
392	An Act to repeal an Act entitled an Act concerning roads and highways in the Counties of Plumas and Lassen. Byers.....	638	734	792	831
393	An Act in relation to public schools in Marin County. Ables .....	638	676	820	879
394	An Act to incorporate the Town of Hollister. Tully...	638	677	991	1125
395	An Act to prevent the removal of railroad tracks. Williams.....	638			
396	An Act creating a Board of Transportation Commissioners, and prescribing their duties and powers. Aldrich .....	639	999		
397	An Act to enable the electors of the State to nominate their United States Senators. Hammitt .....	646	949		
398	An Act to create the County of Orange, to define the boundaries, and provide for its organization and government. Venable .....	646			
399	An Act to authorize J. E. Ryan, W. J. Ryan, and others, to build a wharf at San Pedro Point, Los Angeles County. Venable.....	646			

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate.	Approved .....
400	An Act to prevent unjust discrimination by railroad and other transportation companies in the rates charged for the transportation of passengers and freights, and to make the rates of freight and fare uniform. Roush.....	646	865		
401	An Act in reference to foreign insurance companies doing business in this State. Murphy.....	646			
402	An Act to quiet the title to certain lands. Kercheval..	646	899	1145	1215
403	An Act in relation to the Political Code. Heald.....	668	976	1034	1125
404	An Act to provide for the sale of land acquired by the State of California in pursuance of an Act to provide additional grounds for the Capitol building, in the City of Sacramento, approved April first, eighteen hundred and seventy-two, and sale of building known as the Governor's Mansion. Bowers.....	668			
405	An Act to amend section two hundred of the Code of Civil Procedure. Miller.....	668			
406	An Act to reorganize Levee District Number One, of Sutter County. Chandler.....	668	868	944	1011
407	An Act to amend section two thousand eight hundred and fifty-three of the Political Code, relative to the establishing of ferries and toll bridges. Chandler...	668			
408	An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the net damages awarded to certain owners of property in the matter of the opening of Second street. Hamill.	668			
409	An Act for the relief of the Commissioners appointed under an Act entitled an Act authorizing the condemnation of private property within the limits of the public streets of the City and County of San Francisco within the Laguna survey, and for such persons as contracted bills for services, furniture, etc., with said Commissioners. Hamill.....	668			
410	An Act to amend section three thousand and seventy-six of the Political Code. Russell.....	668			
411	An Act to amend section three thousand and seventy-four of the Political Code. Russell.....	668			
412	An Act to reincorporate the City and County of San Francisco. Swift.....	669	1001		
413	An Act to authorize the transfer of certain promissory notes belonging to the estate of Sumner B. Hinds, deceased, from this State to the Territory of Washington. Swift.....	669	896	902	989
414	An Act regulating the measurement of water when sold for mining purposes. Northup.....	669			

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
415	An Act to create a Board of Public Works in the City and County of San Francisco. Aldrich .....	669			
416	An Act in relation to the practice of dentistry. Freeman .....	669			
417	An Act to create the Twenty-first Judicial District. Cressler .....	669	1037		
418	An Act granting the right of franchise to the citizen woman in certain cases. Northcutt .....	669			
419	An Act to amend sections three hundred and forty-three and four hundred and forty-one of the Political Code. Long .....	669			
420	An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County. Meyers .....	676	752	900	1090
421	An Act supplementary to an Act entitled an Act to create the County of San Benito. Tully .....	677	753	900	989
422	An Act to provide for the payment of the expenses of carrying on the county government of the County of Inyo. Parker .....	677	734	869	942
423	An Act making an appropriation for the purchase of apparatus for the State Normal School. Higbie .....	677	897	990	1046
424	An Act to amend sections four hundred and thirty-six, six hundred and sixty, and six hundred and sixty-one of the Political Code. Gilmore of El Dorado ..	684	949	1034	
425	An Act to prevent monopoly of the timber and grazing lands of the State of California. Murphy .....	684			
426	An Act to authorize the Board of Supervisors of the City and County of San Francisco to aid in the erection and construction of waterworks for the supply and distribution of fresh water to the inhabitants of said city and county, and other matters relating thereto. Rogers .....	684			
427	An Act to provide for the speedy completion of the City Hall of the City and County of San Francisco. Rogers .....	684	938		
428	An Act to repeal all special road laws in the County of Fresno. Ferguson .....	684	735	820	879
429	An Act to regulate freight on railroads in the State of California, when shipped by the carload. Paulsell ..	684	999		
430	An Act to amend section thirty-six hundred and seventeen of the Political Code. Howe .....	684	967	1173	1222
431	An Act to fix the salary and define the duties of the Superintendent of Common Schools in the County of Santa Cruz. Thomas .....	684			



Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
432	An Act to amend the Code of Civil Procedure. Freidenrich.....	685			
433	An Act to amend an Act entitled an Act for the protection of game, approved March twentieth, eighteen hundred and seventy-two. Welch.....	685			
434	An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure. Byrnes.....	685			
435	An Act to provide funds for the school department of the Town of Alameda, in the County of Alameda. Amerman .....	685	735	869	1089
436	An Act to pay J. E. Foulds for services rendered to the Assembly Committee on Corporations of the nineteenth session of the Legislature. Amerman.....	685	897	1018	1222
437	An Act to appropriate money to pay for services rendered the State by William Hale. Rogers.....	685	899	1105	1222
438	An Act to authorize Maurice Dore, John A. Turney, George S. Wright, Henry Wetherbee, I. M. McNulty, their associates and assigns, to repair, renew, extend, construct, and maintain Meiggs' wharf. Rogers.....	685			
439	An Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento. Kercheval.....	685	963	992	1104
440	An Act to change the name of a town in Siskiyou County. McBride.....	685	735	857	
441	An Act to repeal Article XIII, Chapter III, Title III, of the Political Code. Stowers.....	685			
442	An Act to pay certain claims for services rendered as witnesses summoned on behalf of the State. Terrill.	685	873	1018	1090
443	An Act for the relief of A. M. Winn. Barton.....	685			
444	An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof. Freeman .....	685	786	929	989
445	An Act to legalize the act of the Board of Trustees of Susanville School District in borrowing money, and to provide for the payment of the same. Byers.....	685	735	810	879
446	An Act concerning lawful and partition fences in the County of Modoc. Cressler.....	685	735	866	
447	An Act to amend an Act entitled an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two. Williams.....	685	898		

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....	Approved .....
448	An Act for the annexation of Klamath to Siskiyou and Humboldt Counties. Tully.....	686			
449	An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure. Amerman...	694	836		
450	An Act providing for the manner for satisfying mortgages and other liens of record. Rea.....	694			
451	An Act to consolidate certain school districts in the Counties of Sacramento and San Joaquin. Coggins.	708	905		
452	An Act to regulate the fees of Tax Collector in and for Plumas County. Byers.....	708	787	869	942
453	An Act to establish a State Board of Irrigation. Norton .....	709			
454	An Act to discourage drunkenness and diminish crime and pauperism. Higbie.....	709			
455	An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two. Heald.	709	736	856	
456	An Act to prevent hogs and goats running at large in the Town of Amador City, Amador County. Stowers .....	709	786	1198	1227
457	An Act to organize reclamation districts, and create reclamation funds, in the County of Butte. Gray...	709			
458	An Act providing for the keeping of more complete records in the County of Santa Clara, and prescribing the duties of certain officers in relation thereto. Rea .....	709	739	739	790
459	An Act to provide for the construction of good and permanent roads by townships. Heald.....	709			
460	An Act to redistrict the County of Tehama, and to reorganize the Board of Supervisors in and for said county. Simpson.....	709	870	1127	1215
461	An Act to amend an Act entitled an Act to establish a Code of Civil Procedure. Higbie.....	709			
462	An Act to amend the Penal Code. Williams.....	709	949		
463	An Act fixing the salary of the County Judge of Fresno County. Ferguson.....	726	786	836	
464	An Act to enlarge the powers of the Board of Education of the City and County of San Francisco, and to authorize them to pay certain claims. Terrill....	726			
465	An Act to empower the County School Superintendents of the State to take part in the selection of text books. Stowers.....	727			

Number .....	TITLE.	Introduced .....	Passed Assembly.....	Passed Senate..	Approved.....
466	An Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto. Byrnes.....	7-7	748	901	989
467	An Act to amend section six hundred and ninety of the Code of Civil Procedure. Rogers.....	727			
468	An Act to repeal all special road laws in Mendocino County. McCallum.....	727	787	856	
469	An Act to add another section to the Penal Code. Hill.	727			
470	An Act reorganizing the Board of Supervisors in the County of Placer, and providing for the election of the same. Burt.....	727	786	857	
471	An Act to amend section two hundred and eighty-six of the Civil Code of California, and to add a new section to said Civil Code to be known as section three hundred. Franck.....	727			
472	An Act to encourage the planting and cultivation of oysters. Amerman.....	727	787	1218	1229
473	An Act to repeal an Act entitled an Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals and sea lions at and near the entrance to the harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six. Amerman.....	727	918		
474	An Act to repeal section five hundred and ninety-nine of the Penal Code. Amerman.....	727	918		
475	An Act to annex a portion of Monterey County to Santa Cruz County. Tully.....	727			
476	An Act to amend section thirty-three hundred and sixty-four of the Political Code. Winchell .....	747	870	990	1089
477	An Act relating to license fees in the County of Sierra. Winchell.....	747	786	872	
478	An Act to add a section, to be numbered section two hundred and ninety-seven, to an Act entitled an Act to establish a Penal Code. Hamill.....	747	999	1204	1227
479	An Act to amend section thirty-eight hundred and sixty of the Political Code. Tinnin.....	747	1013		
480	An Act to provide for the completion of the Napa State Asylum for the Insane, and for other purposes. Welch.....	747	888	1001	1090
481	An Act to amend an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two. Heald.....	747	787	869	942

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate..	Approved .....
482	An Act to amend sections thirty-eight hundred and forty, thirty-eight hundred and forty-one, thirty-eight hundred and forty-three, thirty-eight hundred and forty-five, thirty-eight hundred and fifty-four, thirty-eight hundred and fifty-eight, and thirty-eight hundred and sixty of the Political Code. Ables.....	747			
483	An Act to authorize the removal of the bodies of certain deceased persons from the lands of Juan B. Castro, of Monterey County, for burial in the public burying ground. Tully.....	747	787	900	988
484	An Act to fix the compensation of certain officers in the County of Marin. Ables.....	748	814	929	989
485	An Act concerning road poll tax for Tehama County. Simpson.....	748	869	920	989
486	An Act to restrict sheep from being herded or roaming at large in certain portions of Lake County. Welch.....	748	814	930	989
487	An Act to amend an Act entitled an Act to amend an Act entitled an Act to establish a Code of Civil Procedure, approved February sixteenth, eighteen hundred and seventy-four. Russell.....	748			
488	An Act to provide for the adjusting and payment of the claim of Robert E. Beasley against Swamp Land District Number Fifty-four. Barton.....	748			
489	An Act to regulate freightage and fares on railroads, establish a reasonable maximum of charges, prevent unjust discriminations and extortions, define the rights of passengers, and to regulate the business of all railroad corporations within this State. Barton..	748			
490	An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four. Canfield.....	750			
491	An Act repealing an Act fixing the salary of Superintendent of Public Schools in the County of Los Angeles. Higbie.....	752	787	872	
492	An Act to repeal section thirty-seven hundred and forty-eight of the Political Code. Gray.....	758			
493	An Act to provide for the location and better maintenance of roads and highways in the County of Placer. Burt.....	758	787	1106	1215
494	An Act supplemental to and amendatory of an Act fixing the salaries of certain county officers in the County of Inyo, approved February twenty-eighth, eighteen hundred and seventy-four. Parker .....	758	788	955	1011



## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
495	An Act concerning the employment of teachers in Inyo and Mono Counties. Parker.....	758	787	929	1011
496	An Act to provide for the payment of two thousand dollars to the Grass Valley Orphan Asylum, appropriated by the Legislature, April first, eighteen hundred and seventy-two. Northup.....	758	908	990	1046
497	An Act to change the name of a county in this State. Cressler .....	758	788		
498	An Act to reincorporate the Town of Woodland. Free- man .....	758	769	992	1090
499	An Act concerning the salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento. Russell.....	758	870	1080	1207
500	An Act to provide the Superintendent of Public Instruction with a Secretary. Stowers.....	762			
501	An Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four. Committee on Ways and Means.....	766	808	1018	1089
502	An Act to add two additional sections to the Penal Code. Hill.....	771	977		
503	An Act legalizing the official acts of Constables in the County of Placer, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four. Burt.....	771	788	955	1206
504	An Act to amend an Act entitled an Act to create the County of Ventura, to establish the boundaries thereof, and to provide for its organization. Escandon .....	771			
505	An Act to authorize the Board of Supervisors of Fresno County to extend the time for the completion of certain improvements. Ferguson.....	771			
506	An Act concerning roads in the County of Butte. Gray.	771	814	914	1011
507	An Act to amend certain sections of the Political Code, in relation to collection of poll taxes. Gilmore of El Dorado.....	783	1020	1174	
508	An Act to authorize the Counties of Colusa, Lake, and Mendocino to issue bonds in aid of telegraph communication with each other and with other parts of the State. Welch.....	783			
509	An Act to authorize the Board of Supervisors of Lake County to lease certain toll roads in said county, and for other purposes. Welch.....	783	871	1024	

Number .....	TITLE.	Introduced .....	Passed Assembly.....	Passed Senate.....	Approved .....
510	An Act supplementary to an Act entitled an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor, approved April first, eighteen hundred and seventy-two. Cowdery.....	783	870	972	1046
511	An Act to protect the rights of stockholders in incorporated companies. Cowdery.....	783	903		
512	An Act to amend section twenty-eight hundred and eighty-one of the Political Code. McCallum.....	783	903		
513	An Act to amend section thirty-eight hundred and sixty-six of the Political Code. Coggins.....	783	1006	1218	1229
514	An Act to amend section one hundred and fifty-nine of the Code of Civil Procedure. Gurnett.....	783			
515	An Act for the relief of W. T. Williams, late District Attorney of Santa Barbara County. Escandon.....	783	815	900	989
516	An Act to amend the city charter of the City of Healdsburg, Sonoma County. Northcutt.....	784	906	932	1125
517	An Act concerning roads and highways in the County of Yolo. Freeman.....	784	789	929	1011
518	An Act to provide for the redemption of the bonded indebtedness of El Dorado County. Williams.....	784	1019	1135	
519	An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder. Wickware.....	384	1153	1204	
520	An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco. Friedenrich.....	784	871	1818	1217
521	An Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta. Tannin .....	792	814	901	988
522	An Act to repeal an Act entitled an Act in relation to the Board of Education of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and seventy-two; also, to confer power on the Board of Education of said city and county to pay any deficit in the School Fund of eighteen hundred and seventy-two and eighteen hundred and seventy-three. Hamill.....	792	509	1080	1207
523	An Act to amend the provisions of the Political Code relative to public schools. Higbie.....	793	949	1107	1207
524	An Act for the relief of P. Riordan. Cowdery.....	793	907	1018	1089
525	An Act for the protection of game and fish. Amerman.....	793	939		

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
526	An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for the construction of wagon roads in said county. McCallum.....	793	814	901	989
527	An Act to increase the compensation of the Assistant Sergeant-at-Arms of the Senate and Assembly. Stowers.....	795			
528	An Act concerning double assessments of property for taxes for the same fiscal year. Kercheval.....	795			
529	An Act to complete the geological survey of the State of California. Committee on Geological Survey....	803			
530	An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of an agricultural park. Northcutt.....	812	815	929	1047
531	An Act to authorize the Board of Supervisors of Fresno County to issue bonds for building purposes. Ferguson.....	812	870	1080	1206
532	An Act to separate the office of County Recorder from that of County Clerk in Santa Barbara County. Escandon.....	812	826		
533	An Act relating to roads and highways in the County of Shasta. Klotz.....	812			
534	An Act for the protection of property at East Park, in Sacramento County. Russell.....	812	870	902	989
535	An Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a public school house. Thomas.....	813	869	944	1011
536	An Act to legalize, ratify, and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, and the contracts made thereunder. Terrill.....	813	871	993	1103
537	An Act to provide for the payment of a debt due N. Fitzgerald from the Lake City School District, in Modoc County. Cressler.....	813	870	972	1089
538	An Act to authorize the issue of bonds by the County of Kern to erect county buildings. Canfield.....	815	870	1024	1214
539	An Act to amend section one hundred and sixty-seven of the Civil Code. Coggins.....	815			
540	An Act to legalize a certain assessment in the City of Sacramento. Coggins.....	815	905	1034	1125
541	An Act for the relief of A. T. Gray, late Treasurer and ex officio Tax Collector of El Dorado County. Gilmore of El Dorado.....	815	1004	1127	1215
542	An Act relating to the assessment of non-residents and unimproved land in the State of California. Bowers.....	822	1057		

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate.	Approved .....
543	An Act to provide for the purchase and construction of free bridges in Big River Township, County of Mendocino. McCallum.....	822	871	990	
544	An Act amendatory of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy. Paulsell .....	822	854		
545	An Act to incorporate the Town of Menlo Park, in the County of San Mateo. Byrnes.....	822	870	944	1047
546	An Act relating to taxation in the City of Sacramento. Coggins .....	822			
547	An Act to provide for a thorough examination of the several swamp land frauds. Kercheval.....	822			
548	An Act relating to the Supervisors of San Joaquin County. Meyers.....	822	854	901	989
549	An Act to repeal an Act entitled an Act to provide for the erection of a City Hall in the City and County of San Francisco, approved April fourth, eighteen hundred and seventy, and to provide for the settlement of affairs of the Board of Commissioners thereby created. Aldrich.....	822			
550	An Act to establish a children's home in the City and County of San Francisco. Patterson.....	822			
551	An Act to provide for the payment of an outstanding warrant drawn by the Auditor of the County of Yolo against the Swamp Land District Fund of District Number Eighteen. Freeman.....	822	1005	1144	1216
552	An Act relative to the powers of the Boards of Supervisors of the Counties of Yolo and Solano. Freeman .....	822	950	993	1104
553	An Act in relation to stock roads. Hay.....	823	1118		
554	An Act to authorize the transfer and loan of certain funds in Solano County. Heald.....	823	871		
555	An Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county. Swift.....	823			
556	An Act to authorize C. H. Reynolds to sue the State of California; and provide for the payment of any judgment which he may obtain. Tully (by request).....	823			
557	An Act to extend the provisions of the trespass law to San Benito County. Tully.....	828	828	901	988



## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced ....	Passed Assm. by.....	Passed Senate.	Approved .....
558	An Act to define the amount of land described in certain patents. Murphy.....	833			
559	An Act to open and establish a public street in the City and County of San Francisco, to be called Western Avenue, and to take private lands therefor. Terrell .....	833			
560	An Act to legalize certain assessments for street work done in the City and County of San Francisco. Aldrich .....	833			
561	An Act to amend section six hundred and seventy-nine of the Political Code. Norton.....	834			
562	An Act to supply the City and County of San Francisco with gas. Patterson.....	834			
563	An Act to amend an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two, approved February twenty-eighth, eighteen hundred and seventy-four. Meyers.	834	836	901	989
564	An Act to regulate the salaries and fix the compensation of the present county officers of Napa County. Welch.....	834	871		
565	An Act to provide for the payment of certain indebtedness of the State to the late State Printer. Miller....	834			
566	An Act to protect agriculture in the County of Calaveras. Gilmore of Calaveras.....	833	870	991	1090
567	An Act to declare Moro Cojo Slough, in Monterey County, navigable. Tully.....	834	950	1146	1216
568	An Act to authorize and empower the Board of Trustees of Court House School District, in the County of Sonoma, to raise additional funds for school purposes. Wright.....	839	904	991	1089
569	An Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the payment thereof into certain Funds. Morgan.....	840	569	972	1011
570	An Act to reincorporate the Town of Yuba City. Chandler .....	840	872	993	
571	An Act concerning roads and highways in the County of Sutter. Chandler.....	840	873	992	1090
572	An Act for the relief of John Timmins. Ferguson.....	840			
573	An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six. Heald .....	840	963	1017	1214

Number .....	TITLE.	Introduced .....	Passed Assembly.....	Passed Senate..	Approved .....
574	An Act to authorize the Board of State Harbor Commissioners to make repairs upon private wharves in their possession. Swift.....	840	1006	1034	1125
575	An Act providing for the establishment and maintenance, in the City and County of San Francisco, of a State Female Hospital. Swift.....	840			
576	An Act to amend sections one thousand and twenty-eight, four thousand three hundred and thirty-three, and two thousand two hundred and twenty-one of the Political Code. Norton.....	840	1045		
577	An Act to add another section to the Penal Code. Norton.....	840	908	990	1089
578	An Act to authorize the Board of Education of the City and County of San Francisco to lease a school lot, in said city and county, and to authorize the issuance of school bonds for the purchase of sites and the erection of school buildings in said city and county. Howe.....	840	1031	1080	1216
579	An Act granting leave of absence to J. J. Welch, Sheriff of Mono County. Long.....	840	904		
580	An Act to provide for the relief of Eliza Lite Scott, Andrew B. McCreery, Peter J. Donahue, and Margaret Donahue. Aldrich.....	840			
581	An Act to reincorporate the City of San José. Rea....	840	840	866	988
582	An Act relative to Swamp Land District Number One Hundred and Eighteen, in Contra Costa County. Hammitt .....	861	967		1125
583	An Act concerning the revenue. Heald .....	861			
584	An Act concerning the office of District Attorney of the City and County of San Francisco. Howe.....	861	907	1024	1104
585	An Act to cure and remove certain defects in actions heretofore commenced under Order Number One Thousand and Sixty-six of the Board of Supervisors of the City and County of San Francisco. Howe...	861	907		
586	An Act to discourage the use of intoxicating liquors. Ferguson.....	861			
587	An Act to fund the accrued interest on the bonds issued by the City and County of Sacramento for city indebtedness. Coggins.....	861			
588	An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto. Kercheval...	861	1058		
589	An Act to amend section four thousand and twenty-seven of the Political Code. Gurnett.....	861	1044	1144	

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
590	An Act to amend sections three hundred and thirty-nine, three hundred and forty, three hundred and forty-one, and three hundred and forty-two of the Penal Code. Northup.....	861			
591	An Act authorizing the County Auditor of the County of Santa Clara to provide himself with a seal. Franck.....	861	861	1025	1104
592	An Act to legalize and confirm certain ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits. Hamill.....	863	1110	1146	1222
593	An Act to authorize the Mutual Life Insurance Company of New York to invest moneys in real and personal estate within the limits of California. Norton .....	863	1008	1107	1207
594	An Act to legalize the grades of certain streets in the City and County of San Francisco. Cowdery.....	863	907	993	1103
595	An Act to authorize the City and County of San Francisco to provide and maintain public waterworks for said city and county, and to condemn and purchase private property for that purpose. Freidenrich.....	863	959		
596	An Act authorizing the Board of Education of the City and County of San Francisco to sell or exchange a lot of land in said city and county. Aldrich.....	863	907	993	1090
597	An Act to settle certain claims against the State. Barton .....	863			
598	An Act to authorize the Police Judge of the City and County of San Francisco to appoint an official reporter. Freidenrich .....	872			
599	An Act to legalize defective descriptions and assessments of property for the years eighteen hundred and seventy-two and eighteen hundred and seventy-three. Burt.....	881	1006		
600	An Act to amend section three thousand five hundred and eighty-four of the Political Code. Snyder.....	881	1064		
601	An Act making an appropriation for improvements in the Yosemite Valley. Snyder.....	881			
602	An Act to regulate fares and freights and other things, and to prevent discrimination. Snyder.....	881			
603	An Act to provide for the payment of certain outstanding road warrants of Yolo County, and to provide for levying taxes for county purposes in said county. Freeman.....	881	892	993	1090

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate..	Approved .....
604	An Act regulating the fees of witnesses in criminal cases in Stanislaus and Merced Counties. Davis.....	881	962	1093	1206
605	An Act to provide additional Notaries Public in the County of Inyo. Parker.....	881	963	992	1090
606	An Act to authorize the Supervisors of Fresno County to extend the time for the completion of certain improvements. Canfield .....	881	1142		
607	An Act to compel the proper observance of the laws of the State of California by public officers. Terrill...	881	1020	1213	1227
608	An Act supplemental to an Act entitled an Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization, approved February seventeenth, eighteen hundred and seventy-four. Cressler.....	881	906	972	1046
609	An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts. Gilmore of El Dorado.....	881	981		
610	An Act prescribing the fees of Coroners and Elisors, and their mode of payment. Amerman.....	881	1042	1144	
611	An Act authorizing and empowering the California Acclimatizing Society to provide for the restoration and preservation of fish in the waters of this State. Amerman .....	881	1021		
612	An Act to amend an Act entitled an Act to reorganize the Supervisor Districts of Monterey. Tully.....	881	881	930	989
613	An Act amending certain sections of the Political Code, relative to the assessment of property for taxation. Williams .....	881	1042	1173	1227
614	An Act to amend section three thousand three hundred and eighty-four of the Political Code of the State of California. Williams.....	882			
615	An Act to amend an Act entitled an Act to provide for the restoration and preservation of fish in the waters of this State, approved April second, eighteen hundred and seventy. Giffen.....	882			
616	An Act granting further powers to the Board of State Harbor Commissioners. Howe.....	886	966	1213	1227
617	An Act to protect agriculture in the County of San Joaquin. Paulsell.....	895	941		
618	An Act to provide for the widening of Dupont street, in the City and County of San Francisco, and to take private lands therefor. Patterson.....	895	1008	1106	
619	An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures in the Counties				



## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
	of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty-seven, and the Act amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty, approved March fourteenth, eighteen hundred and seventy, and the Act amendatory thereof, approved April first, eighteen hundred and seventy-two. Peek.....	895	964	1080	
620	An Act in relation to suits against the County of Marin for damages on account of laying out public streets. Ables.....	895	964	1144	1215
621	An Act supplemental to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six. Cowdery .....	896	946	1017	
622	An Act to provide funds for the school department of the City of Oakland. Gurnett.....	903	907		
623	An Act to authorize the Board of Supervisors of Mendocino County to issue additional coupons to the holders of certain bonds. McCallum.....	903	964	1024	1104
624	An Act amendatory and supplemental to an Act entitled an Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county, approved January thirty-first, eighteen hundred and seventy. Thomas .....	904	907	993	1103
625	An Act declaring the force and effect of the provisions of the Political Code concerning the office of District Attorney in El Dorado County, and granting to G. J. Carpenter, District Attorney of said county, temporary leave of absence from the State. Ingham...	904	1001	1106	
626	An Act to pay certain claims for services rendered as witnesses summoned on behalf of the State. Stowers .....	904			
627	An Act to make the bridge across the stone road crossing, in Sutter County, a free bridge, and for said county to own and control the same. Chandler.....	904	965	1093	1205
628	An Act to provide for the construction of a railroad from Independence, in the County of Inyo, to the City of Los Angeles, Los Angeles County, and to regulate fares and freights thereon. Parker.....	908	913	1034	1207
629	An Act to amend section thirteen hundred and twenty-nine of the Penal Code. Tinnin.....	916	1023		
630	An Act to prevent the destruction of certain birds in San Joaquin County. Paulsell.....	916			
631	An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco. Hamill.....	916			

	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
332	An Act to add a section to the Penal Code of California to punish persons for using unstamped weights and measures. Norton.....	917			
633	An Act to prevent discrimination against female teachers. Pelham.....	917	1119	1227	1229
634	An Act to extend the time in which Swamp Land District Number One Hundred and Sixteen shall complete its work of reclamation. Canfield.....	917	1042	1104	1206
635	An Act to amend section fifty-eight of the Code of Civil Procedure. Williams.....	917	917	956	1011
636	An Act to amend sections seven hundred and fifty-three and twenty-three hundred and sixteen of the Political Code. Coggins .....	917			
637	An Act making the County Treasurer of San Joaquin County ex officio Tax Collector and the County Recorder ex officio Auditor. Meyers.....	917	940	1024	1125
638	An Act to authorize the State Treasurer to pay Controller's warrants drawn for the salaries of public officers who are entitled to monthly payments from the State. Freeman.....	918	1006	1060	1103
639	An Act to change the name of the Town of Mokelumne. Meyers .....	918	965	1024	1125
640	An Act to amend the Political Code, concerning military affairs. Coggins.....	918			
641	An Act to add another section to the Penal Code. Heald .....	920	1061		
642	An Act to authorize the Mayor and Common Council of Salinas City to build a school house and to provide for a fire department in said city, to issue bonds therefor, and to provide for the payment of the same. Tully.....	923	1004	1144	1215
643	Substitute for Assembly Bills Nos. 3, 29, 37, 39, 80, 127, and 232—proposed amendments to the Constitution of the State of California. Judiciary Committee....	923	1155	1173	
644	An Act to provide for the erection and maintenance of a Branch State Prison near the Town of Folsom. Coggins .....	926			
645	An Act for the protection of coal mines and coal miners. Hammitt .....	931	1006	1080	1206
646	An Act supplemental to an Act entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code, approved March thirteenth, eighteen hundred and seventy-four. Paulsell.....	931	986	1107	1214

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
647	An Act amendatory to an Act entitled an Act to provide for the protection of certain lands in Sutter County from overflow, approved March eighteenth, eighteen hundred and sixty-eight, and to the Act supplementary thereto, approved March thirtieth, eighteen hundred and seventy-two. Chandler.....	931	986	1145	
648	An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board. Howe .....	931	987	1075	1206
649	An Act to authorize Daniel Gobbi to remove the remains of deceased persons in the Town of Ukiah, Mendocino County. McCallum.....	931	941	1002	1089
650	An Act to provide for an equitable assessment of live stock pastured on the Sierra Nevada Mountains during the Summer months, and kept in the State of Nevada. Gilmore of El Dorado.....	932			
651	An Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of J. N. Bailey. Gurnett.....	932	965	1024	1125
652	An Act to fix the compensation of the Deputy Sheriff of Alameda County. Gurnett.....	932	966	1024	1104
653	An Act supplemental to an Act entitled an Act to regulate the fees of office, and to fix the compensation of the officers in the County of Sacramento, approved February twenty eighth, eighteen hundred and seventy-four. Russell .....	932	973	1094	1207
654	An Act concerning the State Harbor Commissioners, and for other purposes. Patterson.....	932	984	1204	
655	An Act supplementary to and amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six, approved January thirty-first, eighteen hundred and seventy. Thomas.....	932	1001		
656	An Act to confer additional powers on municipal authorities in incorporated cities and towns in this State. Bradley.....	932	1022		
657	An Act to amend the Political Code of this State. Dixon .....	932			
658	An Act respecting actions against railroad and mining corporations, and stockholders therein, in Justice Courts. Norton.....	935	1027	1218	
659	An Act to provide for the construction of a railroad from the City of Marysville, in the County of Yuba, to Knight's Landing, in the County of Yolo, and to regulate fares and freights thereon. Bradley.....	945	965	1034	1207

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate.	Approved .....
660	An Act to legalize the assessment of a street tax in the City of Sacramento. Kercheval.....	945		1198	1229
661	An Act authorizing and requiring the State Treasurer to commence and prosecute civil actions, on behalf of the State of California, against certain Trustees of the State Normal School. Klotz.....	945			
662	An Act to amend an Act entitled an Act to provide for the opening and improving of Santa Clara Avenue, in the County of Santa Clara, approved March fifteenth, eighteen hundred and seventy-two. Hay.....	946	946	991	1047
663	An Act to prohibit candidates for office from using or dispensing intoxicating liquors for electioneering purposes. Tully.....	946	1092	1226	
664	An Act to amend section twenty-seven hundred and twenty-five of the Political Code. Simpson.....	946	1044	1218	1229
665	An Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin. Northcutt.....	946	966	1144	1215
666	An Act concerning the county records of the County of Marin. Ables.....	946	965	1227	1216
667	An Act amendatory of and supplementary to an Act entitled an Act to reincorporate the Town of Santa Clara, approved March sixth, eighteen hundred and seventy-two. Franck.....	946	946	991	1090
668	An Act concerning streets, alleys, lots, and blocks, or portions thereof, within certain limits in the City of Sacramento. Russell.....	946			
669	An Act to quiet land titles, prevent frauds in tax sales, and the assertion of fraudulent titles to real estate in Sacramento County. Barton.....	956			
670	An Act to authorize the Methodist Episcopal Church of the Town of Rohnersville, in the County of Humboldt, to reduce the number of Trustees. Hurlburt	956	1005	1094	1206
671	An Act to authorize the Board of Supervisors of Monterey County to build a Court House and jail in said county, to issue bonds of said county for the construction thereof, and to provide for the payment of the same. Tully.....	956	1005		
672	An Act fixing the compensation of the Assessor of the County of Mono. Long.....	956	1005	1080	1206
673	An Act to amend an Act to provide for the opening and improving of Santa Clara Avenue, in the County of Santa Clara. Franck.....	957			
674	An Act to repeal an Act entitled an Act relating to public records in Lake County, approved March thirty-first, eighteen hundred and sixty-six. Welch..	959	1005	1086	1207



## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
675	An Act for the relief of the Sacramento Protestant Orphan Association. Russell.....	959			
676	An Act to enforce payment of delinquent taxes due in the district of Santa Barbara County now constituting Ventura County. Escandon.....	959	1005	1104	1206
677	An Act to increase the revenue of the City of Oakland from wharfage. Garnett.....	961	1005		
678	An Act for the relief of R. G. Strong. Cowdery.....	961			
679	An Act to amend section twelve hundred and fifty-four, Title VII, of the Code of Civil Procedure. Williams .....	962	1042	1218	
680	An Act making Senate Bill No. 127—To promote irrigation in Los Angeles County—supplemental to Assembly Bill No. 172—To provide a system of irrigation—so far as relates to the County of Los Angeles. Venable.....	962	1044		
681	An Act to authorize the Board of Supervisors of Trinity County to fix and pay the compensation of Under Sheriff in said county. Timmin.....	966	966	1024	1103
682	An Act to authorize the Trustees of the City of Benicia to purchase a lot of land for public purposes. Head .....	966	1005	1080	1206
683	An Act for the relief of Joseph Leggett, of the City and County of San Francisco. Swat.....	973	1031	1144	1216
684	An Act to repeal an Act entitled an Act concerning roads and highways in the County of Sacramento, approved April second, eighteen hundred and seventy, and all Acts amendatory thereof and supplementary thereto. Kercheval.....	973			
685	An Act to ratify and confirm certain orders and resolutions and acts of the Board of Supervisors of the City and County of San Francisco. Wickware.....	973	1031		
686	An Act to amend an Act entitled an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two. Russell.....	973	988	1094	1206
687	An Act to amend section two hundred and seventy-six of the Code of Civil Procedure. Cowdery.....	973			
688	An Act to amend section three thousand nine hundred and fourteen of the Political Code. Hurlburt.....	974			
689	An Act to provide for the construction of a railroad from Suisun, in the County of Solano, to Lakeport, in the County of Lake, and to regulate fares and freights thereon. Welch.....	997	1117		

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
690	An Act amendatory of an Act entitled an Act to prevent hunting and shooting on private grounds, and the destruction of timber on private grounds, in certain counties in this State, approved March eighth, eighteen hundred and seventy-two. McCallum.....	997	1042	1144	1216
691	An Act to provide for the preservation of the material of the geological survey of the State of California. McCallum .....	997	1043	1087	1206
692	An Act to prevent the destruction of property from camp fires and firearms in the Counties of Monterey and San Benito. Tully .....	997	1042	1145	
693	An Act to authorize the City of Los Angeles to issue bonds in payment of certain indebtedness. Venable .....	997	1044	1087	1206
694	An Act abolishing the City Hall Commission of the City and County of San Francisco, and providing for the construction of the building. Cowdery.....	997	1052	1106	1216
695	An Act authorizing and empowering the Board of Supervisors of the City and County of San Francisco to provide for watering the streets and roads of said city and county. Cowdery .....	997			
696	An Act to add a section to the Code of Civil Procedure of the State of California, for the purpose of continuing actions against estates commenced in the lifetime of the decedent. Williams.....	997			
697	An Act to provide for the collection of certain unpaid taxes in the County of Modoc. Cressler.....	997	997	1107	1215
698	An Act to regulate the salary of the District Judge of the Third Judicial District. Swift.....	998	1061		
699	An Act consolidating the offices of Sheriff and Tax Collector in the County of Placer, and making the Sheriff ex officio Tax Collector. Burt.....	998	998	1080	1206
700	An Act to authorize the Board of Supervisors of Alameda County to pay the claim of George W. Babcock. Amerman .....	998	998	1107	1207
701	An Act to add another section to the Penal Code. Parker .....	1008	1027	1219	1231
702	An Act to provide for the collection of district school taxes in Townsend and May School Districts, in Murray Township, in the County of Alameda. Amerman .....	1012	1044	1106	
703	An Act to legalize certain proceedings in Swamp Land Districts Numbers Sixteen, Forty-five, and Forty-eight, in Tulare County. Canfield.....	1012			1207

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
704	An Act to amend section two hundred and fourteen of the Code of Civil Procedure of the State of California. Hamill.....	1012			
705	An Act authorizing the City of Oakland to issue and sell bonds of the City of Oakland, and with the proceeds thereof, to pay and cancel certain other bonds of said city. Gurnett.....	1012	1044	1105	1214
706	An Act amendatory of an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-one, approved April fourth, eighteen hundred and seventy. Heald.....	1012	1044	1106	1207
707	An Act to amend section eight hundred and two of the Penal Code. Tully.....	1013			
708	An Act to incorporate the Town of San Mateo, establish its boundaries, define its powers, and for other purposes. Byrnes.....	1013	1035	1060	
709	An Act to repeal section five hundred and thirty-six of the Political Code, and to repeal an Act in relation to the State Printer, approved April first, eighteen hundred and seventy-two. Hay.....	1020			
710	An Act to amend section five hundred and thirty-two of the Penal Code, and to add a new section to said Code. Cowdery.....	1027	1027	1218	
711	An Act to protect litigants and others in the publication of legal and other notices. Ingham.....	1027			
712	An Act to ratify and confirm Order Number Eleven Hundred and Thirty-nine of the Board of Supervisors of the City and County of San Francisco. Rogers.....	1027	1027	1145	1216
713	An Act to pay the indebtedness incurred by the State Capitol Commissioners, and to provide for the preservation of the building and grounds. Freeman....	1027	1138		
714	An Act to make an appropriation for fitting up the Governor's Mansion for the purpose of using portions thereof as a State Printing Office and State Armory. Russell.....	1027	1160	1203	1227
715	An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of San Bernardino. Pishon...	1027	1027	1046	1125
716	An Act to confer additional powers on the Board of Supervisors of the County of San Joaquin. Meyers...	1028	1049	1105	1207

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate.	Approved .....
717	An Act amendatory of and supplemental to an Act entitled an Act to provide for the purchase and construction of free bridges in Big River Township, in the County of Mendocino, approved March twenty-third, eighteen hundred and seventy-four. McCullum .....	1041	1092	1146	1216
718	An Act relative to roads and highways in the County of Shasta. Klotz.....	1041	1041	1107	1215
719	An Act to encourage the destruction of wild animals in the Counties of Monterey and San Benito. Tully .....	1041	1041		
720	An Act to amend an Act entitled an Act to punish adultery, approved March fifteenth, eighteen hundred and seventy-two. Patterson.....	1041			
721	An Act to repeal an Act to amend an Act entitled an Act to reincorporate the Town of San Luis Obispo. Escandon. ....	1041	1092		
722	An Act to exempt active firemen, in the County of Tuolumne, from jury duty, and from the payment of poll tax. Long.....	1041			
723	An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-seventh, eighteen hundred and seventy-two. Meyers.....	1042	1090		
724	An Act to authorize the Board of Supervisors of San Joaquin County to transfer certain funds. Meyers...	1042	1090	1144	1214
725	An Act supplemental to an Act entitled an Act to provide for the redemption of the bonded indebtedness of Calaveras County, approved March thirtieth, eighteen hundred and seventy-two. Gilmore of Calaveras.....	1045	1125	1173	
726	An Act to provide for the completion of the map of Central California. Rogers.....	1045			
727	An Act providing for the employment of prison labor, and regulating contracts therefor. Hamill.....	1052	1152		
728	An Act to amend section three thousand nine hundred and fifty-two of the Political Code, and to better define the boundary line of Santa Clara County. Hay.....	1052	1142		
729	An Act giving the consent of the Legislature to Whitman H. Hill, County Clerk of El Dorado County, in the State of California, to absent himself from said State for a period not exceeding ninety days. Ingham.....	1054	1054	1080	1206
730	An Act authorizing the Board of Supervisors of San Mateo County to construct and maintain a county road in said county. Byrnes.....	1055	1119		



## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced.....	Passed Assembly.....	Passed Senate.....	Approved.....
731	An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county. Howe.....	1955			
732	An Act authorizing the Controller of State to credit certain counties with the amounts of old balances due the State. Committee on Ways and Means.....	1959	1117	1146	121
733	An Act to amend the Code of Civil Procedure. Norton.	1959	1153		
734	An Act supplemental to an Act entitled an Act to provide for the construction of certain wagon roads in the County of Humboldt, approved February twenty-eighth, eighteen hundred and seventy-four. Harburt.....	1960	1060	1081	1206
735	An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property, in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four. Long.....	1960	1060	1145	1215
736	An Act to change the name of the Town of New Republic to that of Santa Rita. Tully.....	1960	1060	1145	1215
737	An Act to amend an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma, approved March sixteenth, eighteen hundred and seventy-four. Dixon.....	1960	1060	1107	1206
738	An Act granting leave of absence to the County Treasurer of Butte County. Gray.....	1961	1034	1107	
739	An Act supplementary to an Act entitled an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four. Burt.....	1967			
740	An Act to amend section three thousand and five of the Political Code. Rogers.....	1975	1076		
741	An Act to legalize and confirm the levy, equalization, assessment roll, publication, and sale of real estate for the non-payment of taxes. Terrill.....	1976	1076	1127	1217
742	An Act to authorize the Trustees of the Town of Hollister to build a school house, to issue bonds therefor, and to provide for the payment of the same. Tully.	1976	1076	1195	1215
743	An Act to permanently locate the county seat of Fresno County. Ferguson.....	1976	1076	1218	1229
744	An Act supplementary to an Act to establish a paid fire department in the City of Sacramento, approved April first, eighteen hundred and seventy-two. Coggin.....	1976	1076		

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
745	An Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges over the River Santa Anna, and to issue bonds for the payment of the same. Pishon.....	1076	1076	1086	
746	An Act to authorize the Supervisors of Santa Clara County to exempt firemen from the payment of poll taxes for county purposes. Hay.....	1076	1076	1127	1217
747	An Act to amend section one thousand five hundred and five of the Code of Civil Procedure. Williams.	1076			
748	An Act supplementary to an Act to provide for the construction of a common wagon road from Healdsburg, in Mendocino Township, Sonoma County, to Pine Flat, in said county. Northcutt.....	1076	1076	1107	1206
749	An Act to prevent hogs from running at large in the Towns of Red Bluff and Tehama. Simpson.....	1077	1077	1106	1207
750	An Act making the Treasurer of Tehama County ex officio Tax Collector and to provide for certain fees in office. Simpson.....	1077	1077	1127	1216
751	An Act in relation to the government of the County of Sacramento. Kercheval.....	1086	1086	1203	1227
752	An Act to provide for the further construction of the City Hall, in the City and County of San Francisco. Freidenrich .....	1088	1098	1173	
753	An Act in relation to certain streets in the Town of Alameda. Amerman.....	1088	1088		1216
754	An Act amendatory of and supplementary to an Act entitled an Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same, approved March thirteenth, eighteen hundred and seventy-four. Burt.....	1088	1088	1106	1207
755	An Act to amend the Political Code. Barton.....	1089	1089		
756	An Act to amend an Act entitled an Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four. Byrnes.....	1089	1089	1106	1206
757	An Act to amend an Act entitled an Act granting to the City of Monterey the title to the waterfront of said city, in the Bay of Monterey. Tully.....	1091			
758	An Act to continue and complete the investigation into the alleged frauds in the various land departments of the State of California, and of the United States, within the State of California. Murphy.....	1101			
759	An Act authorizing the Board of Regents of the University of California to audit and pay a certain claim. Hamill .....	1102	1121		

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
760	An Act to provide a new Great Register for the County of Sacramento. Kercheval.....	1102	1102	1127	1216
761	An Act relating to the office of District Attorney of Sacramento County. Coggins.....	1108	1108	1127	1216
762	An Act relating to Lee School District, in Sacramento County. Coggins.....	1108	1108	1127	1217
763	An Act granting further powers to the Board of Supervisors of San Francisco. Howe.....	1108	1108	1127	
764	An Act to empower the Board of Supervisors of the City and County of San Francisco to adjudicate a certain claim. Howe.....	1108			
765	An Act to confer additional power upon the Board of Supervisors of the City and County of San Francisco, in reference to the repairs of accepted streets, lanes, alleys, and places, or courts, in the City and County of San Francisco. Terrill.....	1108			
766	An Act to amend sections fourteen hundred and twenty-six and fourteen hundred and thirty of the Political Code. Venable.....	1110			
767	An Act to grant certain wharf privileges in Contra Costa County. Hammitt.....	1112	1112		
768	An Act to pay the bill of P. Conlan for board and lodging furnished to two companies of the National Guard, on December sixth, eighteen hundred and seventy-one. Barton.....	1112			
769	An Act supplemental to an Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four. Freeman.....	1112	1112	1143	1215
770	An Act making appropriations for benevolent purposes, and to provide for certain deficiencies. Committee on Ways and Means.....	1120	1134	1164	1227
771	An Act to locate the county seat of Solano County. Tinnin.....	1129	1149	1152	1214
772	An Act authorizing the State Board of Examiners to allow certain claims against the State. Hay.....	1131	1159	1198	1226
773	An Act to fix the amount of the bonds of the Tax Collector of Lake County, and to amend section forty-one hundred and twenty-two of the Political Code, so far as the same affects said county. Welch.....	1131	1131	1145	
774	An Act concerning the Supervisors of Sacramento County. Coggins.....	1133	1133		
775	An Act to create the office of Gopher Commissioner and Oyster Planter, and prescribe their duties. Cowdery.....	1133			

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly.....	Passed Senate..	Approved .....
776	An Act providing for a paid fire department in the City and County of San Francisco. Howe.....	1136	1136	1228	1232
777	An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint a messenger to the Board of Fire Commissioners of said city and county. Howe.....	1136	1136	1173	1222
778	An Act making appropriations for the National Guard. Hamill .....	1139			
779	An Act to regulate fees in the City and County of San Francisco. Freidenrich.....	1147	1147	1198	
780	An Act to create a Board of Auditors for El Dorado County, and fix the powers thereof. Williams.....	1147	1147	1152	1215
781	An Act to levy taxes for county purposes in the County of El Dorado. Gilmore of El Dorado.....	1148	1148	1152	1216
782	An Act to amend an Act entitled an Act to amend sections three thousand and nine and three thousand and ten of the Political Code, approved March twenty-third, eighteen hundred and seventy-four. Howe .....	1148	1148	1164	1215
783	An Act to amend sections three thousand six hundred and ninety-four and three thousand seven hundred and thirteen of the Political Code. Williams.....	1148	1202	1219	1229
784	An Act to provide for the execution and delivery of deeds to purchasers of City Hall lots, in the City and County of San Francisco. Swift.....	1148	1148	1204	1229
785	An Act to amend sections three thousand seven hundred, three thousand seven hundred and one, and three thousand seven hundred and two of the Political Code. Freeman.....	1148	1148		
786	An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county. Howe.....		1200	1223	
787	An Act to submit to the qualified electors of the City of Stockton the proposition to pay the claim of Henry Meyers. Meyers.....	1162	1162	1173	1222
788	An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco. Terrill .....	1163	1163	1164	1227
789	An Act supplementary to an Act entitled an Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties and fees of Court, and its officers, approved March tenth, eighteen hundred and sixty-six. Amerman.....	1165	1165	1204	1227



## ASSEMBLY BILLS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....	Approved .....
790	An Act to provide for the collection of delinquent reclamation assessments in Sacramento County. Coggins.....	1165	1165	1174	1222
791	An Act to appropriate money for the use of the State Prison at San Quentin. Terrill.....	1195	1195		
792	An Act relating to tax titles in Sacramento County. Coggins .....	1197	1198		
793	An Act to provide for the disposition of the proceeds of poll taxes in the County of El Dorado. Gilmore of El Dorado.....	1202	1202	1218	1231
794	An Act relating to the proposed amendments to the Constitution. Williams .....	1208	1208	1218	1229
795	An Act to amend the Political Code. Norton.....	1211	1211	1226	1229
796	An Act to elect certain officers in the City of Sacramento, and fix their compensation. Russell.....	1214	1218	1231	

# ASSEMBLY CONCURRENT RESOLUTIONS.

## ASSEMBLY CONCURRENT RESOLUTIONS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly.....	Passed Senate..
1	Relative to the repeal of impost duties on burlaps, and grain and wool sacks. Wright.....	108	108	
2	Relative to breakwater at Crescent City, Del Norte County. Murphy .....	221	304	402
3	Relative to restaurant and cigar stand in Capitol building. Amerman .....	226	226	
4	Relative to printing Governor's Message, and report of Yosemite Commissioners.....	231	246	303
5	Relative to granting subsidies to irrigation companies. Venable.....	248	308	447
6	Relative to mail route from Happy Camp to Orleans Bar. Murphy.....	250	255	348
7	Relative to granting pensions to soldiers of the Mexican war. Northcutt.....	253	369	473
8	Relative to lands granted to the Stockton and Copperopolis Railroad. Peek.....	253	422	549
9	Relative to the manner of electing United States Senators. Long.....	291	413	549
10	Relative to aid to improve the navigation of San Joaquin River. Paulsell .....	292	422	473
11	Relative to printing report of Yosemite Commissioners. Long .....	338	338	360
12	Relative to the boundary line between Del Norte County, California, and Curry County, Oregon. Murphy.....	347	406	550
13	Relative to mail route from Redding to Yreka. McBride...	348	413	446
14	Relative to coolie labor in this State. Hill.....	367	449	
15	Relative to the survey of public lands in California. Ferguson.....	381	459	549
16	Relative to amending public land laws. Ferguson.....	382		

## ASSEMBLY CONCURRENT RESOLUTIONS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate .....
17	Relative to instructing our Senators in Congress to oppose the passage of Senate Bills Nos. 17 and 23, now pending in the United States Senate. Kercheval.....	394	441	
18	Relative to Joint Committee on calling a Convention to revise the State Constitution. Coggins.....	394	394	413
19	Relative to salaries of President, United States Senators, and Representatives. Pelham.....	397		
20	Relative to appropriation for changing channel of San Diego River. Bowers.....	401	401	473
21	Relative to asking Congressional relief for A. B. Gilbert. Bryan .....	403	528	612
22	Relative to the rights, privileges, and disabilities of women. Aldrich .....	401	401	473
23	Relative to asking our Senators and Representatives to oppose the passage of Senate Bill No. 23, now pending in the United States Senate. Tinnin.....	424		
24	Relative to instructing our Senators in Congress to oppose the passage of any law giving to railroad companies or corporations titles to lands. Coggins.....	424	464	
25	Withdrawn by the author.....	632		
26	Relative to requesting the Surveyor General and Controller to furnish certain information concerning certain swamp land districts. Freeman.....	436	436	447
27	Relative to survey of mountain grazing lands.....	450	576	692
28	Relative to granting leave of absence to Wm. Schneider. Gray .....	456	456	
29	Relative to granting leave of absence to Geo. J. Bennett. Hamitt .....	457	457	
30	Relative to printing Professor Gilman's address. Norton..	486	503	
31	Relative to construction of railroad line from Missouri River to the Pacific Ocean. Peek.....	511	760	944
32	Relative to instructing our Senators and Representatives in Congress to oppose Santillion Land Grant Bill. Rogers.....	549	549	556
33	Relative to instructing our Senators and Representatives in Congress to secure from the United States Government all groves of big trees, etc. Ferguson.....	549		
34	Relative to increase of service on mail route. McBride...	549	715	819
35	Relative to public lands. Tully.....	549		
36	Relative to Joint Rule Number Twenty.....	551	565	604

## ASSEMBLY CONCURRENT RESOLUTIONS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced .....	Passed Assembly .....	Passed Senate..
37	Relative to adjournment on the tenth of March. Pelham.	560		
38	Relative to introduction of bills after the first of March. Pelham .....	569		
39	Relative to tariff on quicksilver. Murphy .....	584	827	943
40	Relative to additional members on Committee on Translating Laws into Spanish. Cowdery .....	587	587	587
41	Relative to railway companies .....			617
42	Relative to Commissioners of Yosemite Valley. Long...	629	794	
43	Relative to numbering sections of A. B. 171. Hurlburt...	641	641	666
44	Relative to mail route from Reno, Nevada, to Quincy, California. Byers .....	656	827	993
45	Relative to numbering A. B. 198. Heald .....	665	665	692
46	Relative to instructing Senators and Representatives in Congress to oppose bill pending in Congress relative to Mission Indians. Bowers .....	677	827	
47	Relative to furnishing California Emigrant Union with report of Surveyor General. Aldrich .....	705	721	770
49	Relative to Presidio reservation. Rogers .....	758	758	770
50	Relative to requesting Governor to withhold his signature to S. B. 137. Cowdery .....	781	781	
51	Relative to Governor's Mansion. Coggins .....	796	796	810
52	Relative to delivery of medal and diploma. Coggins .....	783	873	943
53	Relative to requesting the Governor to return A. B. 313. Coggins .....	815	815	832
54	Relative to Supreme Court. Coggins .....	824		
55	Relative to correcting clerical error in A. B. 96. Swift...	864	864	866
56	Relative to correcting clerical error in A. B. 466. Byrnes.	927	927	944
57	Relative to resectionizing A. B. 102. Williams .....	967	967	991
58	Relative to testing the liability of Central Pacific Railroad to convey prisoners, insane persons, and State messengers, etc. Burt .....	1067	1067	
59	Relative to substitute for Joint Standing Rule Fifteen. Amerman .....	1133	1133	1174
60	Relative to requesting Professor Whitney to return geological specimens. Snyder .....	1074	1074	1087



## ASSEMBLY CONCURRENT RESOLUTIONS.

[See Assembly Journal.]

Number .....	TITLE.	Introduced ....	Passed Assembly.....	Passed Senate..
61	Relative to comparing Assembly and Senate Journals, to ascertain whether the constitutional amendments have been entered correctly. Williams.....	1208	1208	1218
62	Relative to instructing Enrolling Clerk to correct the title of A. B. 430. Cowdery.....	1217	1217	1226
63	Relative to instructing Enrolling Clerk to correct clerical error in A. B. 507. Gilmore.....	1228	1228	1229

8/12/90 m. 10.00













